NOVA SCOTIA

# Environment and Labour

## OCCUPATIONAL HEALTH AND SAFETY DIVISION

# ANNUAL REPORT

**For the year April 1, 2003 to March 31, 2004**

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# Mandate, Scope and Rationale for the Division Annual Report

The mandate for the creation of an annual report by the Occupational Health and Safety Division originates from two main places. Firstly, clause 9(f) of the Occupational Health and Safety Act states:

> **Functions of Division**
> **9(f)** The Division shall annually, submit to the Advisory Council a report on a review of this Act.

Secondly, Bill No. 20 (1st Session, 59th General Assembly, Nova Scotia, 52 Elizabeth II, 2003) - Workers' Compensation Act (amended), although not passed into law at the time of writing, would amend clause 9(e) of the Act to state:

> **Functions of Division**
> **9(e)** The Division shall annually submit to the Deputy Minister of Environment and Labour a report on compliance with this Act.

This report addresses both mandates.

This report discusses the operations of the Occupational Health and Safety Division and may form part of a review of the state of occupational health and safety in Nova Scotia. However, in itself, this report does not constitute such a review. The Division alone does not have the data or resources to undertake such a broad scope review.

Where injury data is presented, the Division is not the sole source of the data. Thus, the Division cannot answer in detail as to the origins, source, quality or trends of the data. If such information is required, the reader is encouraged to contact the organizations from which the data came.

This report is divided into five basic areas:

- Review of the Occupational Health and Safety Act and associated regulations
- Review of compliance with the Occupational Health and Safety Act and associated regulations
- Reviews of Divisional Operations
- Reviews of Trends in OH&S
- Other Items Included as Information.

In this document, the following short forms are used:

"Act" means the Occupational Health and Safety Act
"Advisory Council" means the Occupational Health and Safety Advisory Council

"Division" means the Occupational Health and Safety Division of the Nova Scotia Department of Environment and Labour
"HRSD" means Human Resources and Skills Development Canada
"IRS" means the internal responsibility system
"OH&S" means occupational health and safety
"SIC" means the Standard Industrial Classification - a number assigned to companies within the same industry
"WCB" means the Workers' Compensation Board of Nova Scotia
"WSIS" means the Workplace Safety and Insurance System, composed of the Division, the WCB, the Workers' Compensation Appeal Tribunal, the Workers' Advisers Program and, participating as appropriate, Human Resources and Skill Development Canada - Labour Program (Occupational Safety and Health).

## Government Response to the Workers' Compensation System Review

Overlaying the Division's operations for a large part of 2003/2004 was the implementation of the Government response to the Workers' Compensation System Review (commonly called the Dorsey Report). Building on changes started last year, in this fiscal year the response saw:

- the continuation of a closer worker relationship with the WCB, the Workers' Advisers Program, the Workers' Compensation Appeal Tribunal and HRSD - Labour Program (OS&H), collectively being termed the Workplace Safety and Insurance System (WSIS)
- the finalization of new vision and mission statements for WSIS
- the development of new vision and mission statements for the Division
- the creation of a single strategic plan for WSIS, to which the Division must also respond.

Thus, 2003/2004 was a year of changes for the Division, some of which are reflected in this report.

## The Department and the Division:

The Department of Environment and Labour officially came into existence on October 1, 2000. The Department consists of:

- Occupational Health and Safety Division
- Alcohol and Gaming Authority
- Environmental Monitoring & Compliance
- Environmental and Natural Areas Management
- Financial Institutions
- Labour Services
- Labour Standards
- Pension Regulation
- Public Safety/Office of the Fire Marshal
- Workers' Advisers Program
- Communications
- Information and Business Services
- Policy
- Agencies, Boards, Commissions, Tribunals, Councils and Round Tables.

The mission of the Department of Environment and Labour is to protect and promote:

- the safety of people and property;
- a healthy environment;
- employment rights;
- the interests of financial services consumers and pension plan members; and
- consumer interests and public confidence in alcohol and gaming services sectors.

The Division operates within the Department of Environment and Labour. The Division's new Mission Statement and Objectives, within the context of WSIS, are:

***To establish and enforce clear standards to reduce occupational injury and illness.***

The objectives of the Division are to:

- together with our partners, reduce the incidence of injury and illness of employees;
- improve the understanding of occupational health and safety standards by all workplace parties;
- improve health and safety conditions in the workplace by means of research, inspection, investigation and enforcement of legislation.

Specifically, the Division will:

- support and encourage the use of the IRS;
- deliver a program aimed at improving the understanding of OH&S standards by all workplace parties;

- develop regulatory management practices which follow best practices and focus on continuous improvement, in consultation with stakeholders;
- develop and implement targeted and risk-based models for delivery of occupational health and safety services;
- prepare and maintain statistics and information related to occupational health and safety;
- develop revisions to OH&S laws and policies;
- support research in matters related to OH&S;
- publish reports, studies and recommendations;
- support the tripartite system of employers, employees and government sharing in decision making as it affects occupational health and safety;
- administer consistently with all clients all health and safety-related acts and regulations.

The Division has two service sections to meet specific OH&S needs in the province.

The Inspection and Compliance Services Section is responsible for the delivery of a series of core services to the clients of the Division. These core services include: health and safety inspection, investigation, consultation, mediation, compliance promotion and enforcement. These services are delivered by staff organized into four regions in the province.

The OH&S Professional Services Section supports field activity and provides services in specialty areas such as engineering, ergonomics, computer support and facilitation. The OH&S Professional Services Section develops policies, legislation and industry-based programs and services in consultation with stakeholders that can be applied throughout the organization and the province.

A third administrative section is responsible for overseeing the operations and administration of the Division, providing support to the service sections and performing a number of statutory functions such as appeals and deviations.

# Review of the Occupational Health and Safety Act

This review of the Occupational Health and Safety Act encompasses three areas:

- court or appeal panel decisions that have implications for the enforceability or interpretation of the Act
- legislation and regulation creation or review activity
- proposals for changes to the Act or regulations.

A review of the number and subject of orders issued pursuant to the Act or regulations is given in the Reviews of Divisional Operations section later in this report.

**Court or Appeal Panel Decisions:**

Supreme Court of Canada
Odhavji Estate v. Woodhouse [2003] 3 S.C.R. 263
Held that the tort of misfeasance in public office is not limited to unlawful exercises of statutory or prerogative powers. The tort can arise from failure to properly carry out a statutory duty. The tort is intentional and is characterized by:

1. deliberate, unlawful conduct in the exercise of public functions; and
2. awareness that the conduct is unlawful and likely to injure a plaintiff.

Supreme Court of Nova Scotia
R. v. Minister of Transportation and Public Works (Appeal Hearing)
December 3, 2003
Crown appealed initial sentence ($22 500) as being manifestly inadequate given all the circumstances. The Court granted the appeal and increased the fine to $45 000. The Court found the appropriate sentencing criteria are

1. the size of the company involved
2. the scope of the economic activity at issue
3. the extent of the actual and potential harm to the public
4. the maximum penalty prescribed by statute
5. the degree to which the conduct at issue was intentional.

The first four criteria are from an earlier case (Cotton Felts). The final criteria was one added in this case.

Ontario Court of Justice
R. v. Long Lake Forest Products Operating as Nakina Forest Products Limited
March 26, 2003
An experienced, knowledgeable, trained and safety conscious worker was killed when he worked improperly on a machine that was adequately guarded. Court ruled that employers are not to be held to a standard of perfection nor are they to be held responsible for what could be termed

rogue acts by employees or isolated acts of carelessness or aberrations in conduct by employees who otherwise know how to do the assigned task safely.

R. v. Campbell
March, 2004
A worker carelessly felled a tree causing serious injury to another worker. The worker was convicted but the judge declined the prosecutor's recommendation for a $5000 fine. The worker was fined $500 and assigned probationary tasks. The Judge said that the primary cause of the accident was the failure of the company to establish a safe working culture. The company did have internal policies but little was done to apply those policies in the workplace.

Alberta Provincial Court
R. v. Hammett
March 30, 2004
A worker was killed when he made contact with a live power line. The supervisor was convicted under the Alberta OH&S Act and given the largest personal fine ever in Alberta ($10 000). The supervisor was aware of the power line, did not assess the seriousness of the hazard or take appropriate action to control the hazard and was reckless to the consequences.

OH&S Appeal Panel
None

**Legislation and Regulation Creation or Review Activity:**

During this fiscal year

1. there were no changes to the Act passed
2. Bill 20, "A Bill to Amend the Workers' Compensation Act", was introduced in the Legislature in the fall of 2003. The bill would:
    a. double fines for repeat offences under the Act
    b. establish a requirement for a quarterly report to the Deputy Minister of Environment and Labour on the compliance with the Act
    c. remove the mandate of prevention from the Division's role

    At fiscal year end, the Bill had not been returned from the Legislature's Law Amendments Committee.
3. new Underground Mining Regulations were passed. Simultaneously, the Coal Mines Regulation and the Metalliferous Mines and Quarries Regulation Acts, which the Underground Mining Regulations replaced, were repealed.
4. changes to the Occupational Safety General Regulations were passed. These changes included
    a. an allowance for "hot tapping" natural gas pipelines if industry standard safety procedures are followed
    b. an allowance for firefighters to use gear that does not comply with National Fire Protection Association standards during rescue operations

c. while keeping the requirement to do pre-use inspections on rigging equipment, repealing the requirement to record all pre-use inspections.

A proposed requirement for ground fault circuit interrupters in outdoor or wet locations was stayed by Cabinet.

5. changes to the Summary Proceedings Act were passed that allowed for the issuance of summary offence tickets for
   a. Failing to submit compliance notice within time specified in order. Out-of-court settlement: $450
   b. Failing to comply with order or direction. Out-of-court settlement: $800.

Significant work was done on the following existing regulations during the fiscal year:

1. Fall Protection and Scaffolding Regulations. A working group commissioned by the Advisory Council submitted a final report on improvements to these regulations. The Advisory Council's Regulation Sub-Committee was reviewing the report at year end.
2. General Blasting Regulations. The Minister of Education and the Provincial Apprenticeship Board established a working group to consider how a range of current certifications, including blasting, could be relocated at the Department of Education.
3. Occupational Health Regulations. At year end, the Advisory Council's Regulation Sub-Committee was considering the scope of any potential revisions.

Significant work was done on the following new regulations during the fiscal year:

1. Occupational Diving. During the fiscal year, the Division worked with the Department of Justice to finalize a draft of these regulations.
2. Joint Occupational Health and Safety Committee. The Division worked to prepare background documents for the consideration of the Minister.

Although not led by the Division, the Division also contributed significant resources to revisions of the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act. A draft bill (Bill 37) was introduced into the Nova Scotia Legislature in the fall of 2003. At fiscal year end, negotiations were ongoing between the Government of Nova Scotia, the Government of Canada and the Government of Newfoundland and Labrador over the required revisions.

Changes to the Criminal Code of Canada (commonly called Bill C-45) were proclaimed on March 31, 2003 to make some OH&S offences criminal violations. At year end, the Division was discussing a memorandum of understanding with other law enforcement agencies to clarify how the new criminal sections would be administered.

The results related to law reform activities are:

| Description | 2003/ 2004 Result | 2002/ 2003 Result | 2001/ 2002 Result | 2000/ 2001 Result |
|---|---|---|---|---|
| Number of existing Act /regulations reviewed with recommended changes submitted to the Minister | 1 | 0 | 1 | 1 |
| Number of new Acts and regulations submitted to the Minister | 3* | 1** | 0 | 0 |

* Underground Mining and Summary Offence Ticket Regulations and the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act.
** This was the Smoke-free Places Act and regulations, which was a process within the jurisdiction of the Department of Health.

**Proposals for Changes to the Act or Regulations:**

Proposals for changes to the Occupational Health and Safety Act or its regulations are received by the Division on an ongoing basis. These proposals are listed in Appendix One.

Note that Appendix One is simply a listing of proposals received and not a product of a Divisional review of these laws. The list does not imply Divisional support for these proposals.

**Measures of Performance - The Nova Scotia Business Climate Index:**

As part of its calculation of the Nova Scotia Business Climate Index (see http://www.gov.ns.ca/econ/businessclimate/2003/), the Nova Scotia Department of Economic Development publishes a measure of the difference in comprehensiveness of workplace standards from 1998 across Canada and the United States. The data, which for OH&S measures differences in general duty clause coverage, administrative and legal procedures and penalties, is based on the article "A Comparison of Labour Standards in the United States and Canada" by Block and Roberts (Industrial Relations, 2000, Volume 55, No. 2, 273-307). The index score for OH&S is weighted such that penalty provisions of various types account for 74 % of the final value.

The details of the calculation are available for review in the book entitled "Labour Standards in the United States and Canada" by Richard N. Block, Karen Roberts, and R. Oliver Clarke (see http://www.upjohninst.org/blockroberts/index.html).

The data are as follows:

Labour Standards Indices for OH&S noted in article (note that a higher number indicates more comprehensive coverage and higher potential penalties):

| | |
|---|---|
| Ontario | 3.24 |
| British Columbia | 3.20 |
| Manitoba | 3.13 |
| Alberta | 3.07 |
| Saskatchewan | 3.00 |
| Quebec | 2.63 |
| **Nova Scotia** | **2.18** |
| New Brunswick | 2.11 |
| Newfoundland | 2.08 |
| Prince Edward Island | 1.87 |

# Review of Compliance with the Act and Associated Regulations

This report reviews compliance with the Act and associated regulations through two points of view:

1. the compliance of the Division with various requirements imposed on it by the OH&S Act and regulations
2. the compliance of outside clients with the Act and regulations.

### Compliance by the Division

The Act and regulations establish several requirements on the Division. These are listed below as is the Division's compliance with them.

| Statutory Requirement from the Act | Section | Compliance |
|---|---|---|
| The Division shall:<br>1. shall be concerned with OHS and maintain reasonable standards<br>2. prepare and maintain statistics and information<br>3. provide assistance and services to persons concerned with OHS<br>4. promote or conduct studies and research projects in OHS<br>5. encourage and conduct educational programs to promote in OHS<br>6. annually submit to the Advisory Council a report on a review of this Act | 9 | Full compliance |
| Part of the costs of the Division pursuant to this Act and the regulations and costs of education and research related to OHS shall be paid out of the Accident Fund by the WCB as determined by the Governor in Council | 10 | Full compliance |
| There shall be appointed in accordance with the *Civil Service Act* a Director of OHS and such officers and employees as are necessary for the administration and enforcement of this Act and the regulations | 11 | Full compliance |
| Appointees from other levels of government shall not be placed in a position of conflict of interest | 11 | Full compliance |
| Minister shall appoint to the OHS Council persons who have a particular knowledge and experience relating to the protection and promotion of OHS generally | 24 | Full compliance |
| Membership of the Council shall include equal representation from employers and employees | 25 | Full compliance |
| Officer shall provide to the employer at a workplace reports of<br>1. workplace occupational health or safety inspections; and<br>2. workplace occupational health or safety monitoring or tests,<br>undertaken at the workplace by, or at the request of, an officer | 36 | Full compliance |
| Officer investigate work discriminatory action complaint and provide an order or decision | 46 | Full compliance |

| Statutory Requirement from the Act | Section | Compliance |
|---|---|---|
| Officer shall inform the person from whom a thing is seized as to the reason for the seizure and shall give the person a receipt for it.<br>Officer shall bring a thing seized before a justice<br>Officer who seizes anything shall deal with it in the same way as if it were seized pursuant to the authority of a search warrant | 48 | Full compliance |
| Officer shall endeavour to consult with a reasonable number of employees during the inspection. | 50 | Full compliance |
| Provision of written order following oral order | 55 | Full compliance |
| Specify time within which compliance of order to be completed | 56 | Full compliance |
| Provision for protection of confidential business information | 61 | Full compliance |
| Provision for protection of medical information | 62 | Not invoked this in 2003/2004 |
| Provision for protection of information received in confidence | 62 | Full compliance |
| Director shall summarily review and decide appeals<br>Director shall provide a copy of the Director's decision | 67 | Full compliance |
| Minister to seek employer/employee representative's recommendations in establishing a pool of Appeal Panel members | 68 | Full compliance |
| Minister to designate and Appeal Panel to hear appeal of Director's decision | 68 | Full compliance |
| Deputy Minister to provide a notice of appeal to Appeal Panel members | 69 | Full compliance |
| Appointed Appeal Panel to hold hearing | 69 | Full compliance |
| Appeal Panel Chair to provide copies of decisions to parties | 69 | Full compliance |
| Monies to be held "In Trust" by the Labour Standards Tribunal<br>"In Trust" monies to be paid | 72 | Not invoked this in 2003/2004 |
| A deviation decision shall<br>1. not be made less then 28 days following the date of the application; and<br>2. be accompanied by written reasons for the decision<br>Director shall provide a copy of the decision | 83 | Full compliance |

| Legal Requirement from the Regulations | Section | Compliance |
|---|---|---|
| **Appeal Panel Regulation Requirements** | | |
| Appeal office shall identify to the Minister the selected chair and members | 5 | Full compliance |
| Where parties to an appeal agree on having one person hear the appeal the appeal office shall provide that information to the Minister | 5 | Not invoked this in 2003/2004 |
| The appeal office shall assist the selected chair in scheduling the hearing and communicate the date and location of the hearing | 6 | Full compliance |

| Legal Requirement from the Regulations | Section | Compliance |
|---|---|---|
| The appeal office shall identify a selected chair from the list of persons established pursuant to the Act for the purpose of chairing an appeal panel. | 7 | Full compliance |
| The appeal office shall identify two selected members for an appeal panel, one representing employers and one representing employees | 8 | Full compliance |
| The appeal office will inform the Minister of the availability of the selected members, and prepare an appointment letter for consideration by the Minister, and the Minister shall designate an appeal panel to hear the matter | 9 | Full compliance |
| The appeal office to maintain a record of the decision-making process for possible future submission to the court | 13 | Full compliance |
| **Disclosure of Information Regulation Requirements** | | |
| Where a denial of a request by health professional is referred to the Director, the Director shall forthwith inform the employer, supplier or manufacturer who denied the request, of the referral and shall give the health professional and the employer, supplier or manufacturer who denied the request a reasonable opportunity to make representations | 10 | No review completed in 2003/2004 |
| Director shall receive representations and ensure confidentiality; any other information and representations submitted to the Director shall not be open to or made available to the public or any other person. | 11 | No review completed in 2003/2004 |
| **General Blasting Regulation Requirement** | | |
| Director shall issue the certificate to the blaster. | 21 | Full compliance |
| **Occupational Health Regulation Requirements** | | |
| Officer to issue a Notification Order where it can be shown an occupational health hazard exists and the employer has been advised of the hazard, its extent and implication. | 7 | No notification order issued in 2003/2004 |
| Notification Order to be in writing | 7 | No notification order issued in 2003/2004 |
| Officer to report facts to Director if compliance with notification orders has not occurred | 8 | No notification order issued in 2003/2004 |
| Compliance Order referred shall be in writing; record that the employer is in violation of these regulations; record that a Notification Order has been issued; specify a period of time within which the employer shall be required to remedy the hazardous situation | 8 | No compliance order issued in 2003/2004 |
| **Radiation Emitting Devices Regulation Requirements** | | |
| Radiation Health Officer shall make a recommendation to the Minister with regard to the issuing of a registration for an ionizing device | 3.6 | Full compliance |
| Radiation Health Officer notifies owner of any condition which contravenes the provisions of the regulations, or is inconsistent with good operating practices | 6.1 | Full compliance |

| Legal Requirement from the Regulations | Section | Compliance |
|---|---|---|
| **Underground Mining Regulation Requirements** | | |
| Director must review information in a timely manner | 58 | No review completed in 2003/2004 |
| Director must notify the employer when the review is complete and the notice must state the cost of the review | 58 | No review completed in 2003/2004 |

**Compliance by Outside Organizations**

Compliance by outside organizations who are required to comply with the Act is currently gauged primarily through an IRS Checklist which is administered during certain inspections. The IRS checklist results revealed the following statistics:

| No. of workers | Internal Responsibility System Measure | 2003/2004 | 2002/2003 | 2001/2002 |
|---|---|---|---|---|
| | | (% Yes) | | |
| Less than 5 | Does the information available at the workplace meet the requirements of the Act? | 57 | 60 | 51 |
| 5-19 | Does the information available at the workplace meet the requirements of the Act? | 56 | 35 | 37 |
| | Does the occupational health and safety policy meet the requirements of the Act? | 45 | 35 | 35 |
| 20+ | Does the information available at the workplace meet the requirements of the Act? | 66 | 60 | 48 |
| | Does the occupational health and safety policy meet the requirements of the Act? | 68 | 62 | 46 |
| | Does the joint occupational health and safety committee meet the requirements of the Act? | 64 | 41 | 41 |
| | Are the functions of joint occupational health and safety committees fulfilled? | 66 | 57 | 48 |
| | Does the occupational health and safety program meet the requirements of the Act? | 64 | 49 | 35 |

In interpreting the above results, it is important to realize that there is an inspection targeting system aimed at directing the Division's inspections at organizations with higher accidents rates. Thus:

- the results above are NOT necessarily indicative of the "average" situation in Nova Scotia companies
- as a result of targeting organizations with higher accident rates, the results are most likely biased to under-report actual average conformity with the elements of the IRS. The size of the bias is not known.

In the next fiscal year, the Division is considering expanding the checklists to assess outside client compliance with some regulations.

# Reviews of Divisional Operations

### Reduce Occupational Injury Rate:

There are many factors which can influence the occupational injury rate. Although the following tables accurately report injury data, it would be inappropriate to infer that the efforts of the Division were solely responsible for any trends.

**Table One**
**Nova Scotia Baseline Data**

| DESCRIPTION | ANNUAL DATA (based on calender years) | | | | | 5 YEAR AVERAGE |
|---|---|---|---|---|---|---|
| | 2003 | 2002 | 2001 | 2000 | 1999 | |
| Employment (annual average in '000's) (1) | 435.4 | 428.4 | 423.3 | 419.5 | 408.6 | **423.0** |
| All Claims Registered with the WCB (2) | 33,674 | 33,874 | 34,701 | 34,874 | 35,010 | **34,427** |
| Compensable Time-Loss Claims Registered with the WCB (2) | 8,996 | 8,769 | 9,200 | 9,061 | 8,200 | **8,845** |
| Total # of Compensable Time-Loss Claims for which Payments were Made During the Year | 11,965 | 11,676 | 11,918 | 11,847 | 11,832 | **11,848** |
| Total # of Compensable Days for Compensable Time-Loss Claims Registered with the WCB During the Year | 343,684 | 323,234 | 290,720 | 266,846 | 232,060 | **291,309** |
| Total # of Compensable Days for All Compensable Time-Loss Claims for which Payments were Made During the Year (2) | 689,360 | 662,810 | 669,792 | 566,879 | 561,428 | **630,054** |
| Fatalities Recorded During the Year (3) | 22 | 28 | 27 | 23 | 21 | **24** |
| Number of Claims Registered with the WCB per 100 Employees | 7.73 | 7.91 | 8.20 | 8.31 | 8.57 | **8.14** |
| Average # of Compensable Time-Loss Claims Registered with the WCB per 100 Employees | 2.07 | 2.05 | 2.17 | 2.16 | 2.01 | **2.09** |
| Average # of Compensable Days for Compensable Time-Loss Claims Registered with the WCB During the Year | 38.20 | 36.86 | 31.60 | 29.45 | 28.30 | **32.88** |

| | | | | | | |
|---|---|---|---|---|---|---|
| Average # of Compensable Days for All Compensable Time-Loss Claims for which Payments were Made During the Year | 57.61 | 56.77 | 56.20 | 47.85 | 47.45 | **53.18** |
| Number of Fatalities Reported per 100,000 Employees | 5.28 | 6.54 | 6.38 | 5.48 | 5.14 | **5.72** |

1. Reference: Statistics Canada - Labour force estimates by detailed age groups, sex, Canada, province, annual average
2. Reference: WCB, Annual Reports, (1999-2003)
3. Fatalities - includes all fatalities which are known to the Division or the WCB and which are occupational in nature, regardless of whether they are provincial or federal jurisdiction. Includes all work-related fatalities that occurred in the stated year regardless of incident date.

**Promote Client Awareness and Responsibility:**

Some of the results for this parameter are:

| Issue | 2003/2004 Result | 2002/2003 Result | 2001/2002 Result |
|---|---|---|---|
| No. of public working groups or sub-committees on law development active during the reporting period | 4 [1] | 4 | 4 |
| No. of public information sessions or courses on OH&S laws or legal issues given by Division staff | 4 | 15 | 30 |
| No. of sessions or courses on OH&S laws or legal issues given by Division staff to individual clients or client groups | 7 | 16 | 24 |
| No. of publications created or updated | 11 [2] | 18 | 9 |
| No. of hazard alerts created | 2 | 5 | 10 |

[1] The groups were:
- Advisory Council as a committee of the whole (ground fault circuit interrupters)
- Advisory Council Standing Sub-Committee on Regulations
- Fall Protection and Scaffolding Regulations Working Group
- Underground Mining Regulations Standing Sub-Committee.

[2] The publications were:
- Guide to the First Aid Regulations (http://www.gov.ns.ca/enla/ohs/firstaidguide.pdf)
- Toxicological Index - Data Sheet Users' Guide (http://www.gov.ns.ca/enla/ohs/ToxicIndex.pdf)
- Underground Mining Regulations Reference Guide (http://www.gov.ns.ca/enla/pubs/ohs/UMR_RefGuide.pdf)
- Regulatory Development and Review Process (http://www.gov.ns.ca/enla/ohs/reg_proc.htm)
- Approaches to Improving Lifting Tasks (http://www.gov.ns.ca/enla/ohs/ergonom/LiftingTasks.pdf)
- Standing on the Job (http://www.gov.ns.ca/enla/ohs/ergonom/StandingJob.pdf)
- 6 Steps to an Ergonomics Mindset (http://www.gov.ns.ca/enla/ohs/ergonom/ergostep.pdf)
- Adjusting Your Computer Workstation (http://www.gov.ns.ca/enla/ohs/ergonom/adjustat.pdf)
- How Much is Safe to Lift? (http://www.gov.ns.ca/enla/ohs/ergonom/saf2lift.pdf)
- Working with Laptop Computers (http://www.gov.ns.ca/enla/ohs/ergonom/worklapt.pdf)

– Ergonomics Glossary (http://www.gov.ns.ca/enla/ohs/ergonom/ergoglos.htm)

Outside of individual contact with clients through inspections and other field activities, the Division promotes client awareness and responsibility by giving out information in two primary ways:

1. through telephone or e-mail contact
2. through the Internet.

Appendix Two gives data related to these information pathways.

**Linkages/Partnerships, Memoranda of Understanding and Committees:**

The Division maintains a series of partnerships and linkages, memoranda of understanding and committee contacts with a wide array of organizations. These are listed in Appendices Three and Four.

**Improve Client Service:**

This parameter is measured through the following statistics:

1. length of time before the initial investigation of a complaint by an OH&S officer
2. client satisfaction for services where client satisfaction is monitored.

The length of time before initial investigation of complaint by an OH&S officer is as follows:

| | **2003/2004 (Jan. 1st, 04 -> Mar. 31st, 04)** |
|---|---|
| No. Complaints Received | 224 |
| Average No. Days Between Receipt of Complaint and Inspection (if one is conducted) | 7.63 |
| No. Complaints for which no follow-up inspection was performed | 57* |

* While it is standard procedure for the Division to follow-up on all complaints, there are some for which this is not appropriate or possible. Such complaints include

1. operation that was the subject of the complaint is transient and was no longer in existence by the time an officer could investigate
2. complainant gives incorrect information which does not allow the operation that was the

subject of the complaint to be identified

3. the operation that is the subject of the complaint is within the jurisdiction of
   a. the federal government
   b. the Labour Standards Division
   c. other government agency.

   In such cases, the complaint is referred to the appropriate agency for follow-up.

As for client satisfaction, this was measured for two services - the E-mail Question Service (whereby clients may send e-mails to the Division with questions on OH&S laws and receive an e-mailed answer) and the publications mailout service. These surveys gave the following results:

E-Mail Question Service Client Satisfaction:

| Question | Percent of maximum score (No. of responses*) | | | |
|---|---|---|---|---|
| | 2003/2004 | 2002/2003 | 2001 / 2002 | 2000 / 2001 |
| No. of e-mail surveys sent | 43 | 131 | 251 | 220 |
| Response rate (%) | 63 | 71 | 41 | 40 |
| The information answered my question. | 82.2 (27) | 86.5 (71) | 86.1 (103) | 83.1 (89) |
| The information was clear, concise and understandable. | 80.7 (27) | 87.0 (71) | 87.1 (103) | 85.5 (83) |
| The information was received within an acceptable time frame. | 87.9 (28) | 86.8 (71) | 88.5 (102) | 87.4 (73) |
| You are pleased with the service you received. | 87.7 (26) | 89.3 (71) | 88.7 (100) | 86.8 (85) |
| **Average** | **84.6** | **87.4** | **87.6** | **85.6** |

* Note that not every respondent to the client satisfaction survey answers every question.

Publications Mail-Out Service Client Satisfaction:

| Question | 2003/2004 | 2002/2003 | 2001 / 2002 |
|---|---|---|---|
| Material received within an acceptable time (% Yes) | - | 100 | 100 |
| Correct material received (% Yes) | - | 0 | 100 |

| | | | |
|---|---|---|---|
| Friendliness (1-5 scale) | 4.5 | 4.6 | 4.6 |
| Laws well written (1-5 scale) | 3.5 | 3.9 | 3.1 |
| Laws interesting (1-5 scale) | 4.0 | 3.7 | 3.8 |
| Other materials well written (1-5 scale) | 4.0 | 4.2 | 3.9 |
| Other materials interesting (1-5 scale) | 4.0 | 3.9 | 3.9 |
| **Overall satisfaction (1-5 scale)** | **4.0** | **4.7** | **4.6** |

* Result not available.
1 = Worst 5 = Best

**Ensure Proper Internal Management:**

This parameter is measured through the following statistics:

- average number of activities per OH&S officer
- average number of targeted inspections per officer
- percentage of closed orders that went past the stated compliance date
- success rate in prosecutions
- average cost per activity
- level of staffing

These statistics are reported in the following table. Appendix Five expands on these statistics and gives more detail on the Division's operations.

Statistics for "Average number of targeted inspections per officer" are not recorded prior to 2001/2002 as the targeting system was not in place.

| DESCRIPTION | ANNUAL DATA (based on fiscal year end) | | | | | 5 YEAR AVERAGE |
|---|---|---|---|---|---|---|
| | 2004 | 2003 | 2002 | 2001 | 2000 | |
| Average number of activities per OH&S officer* | 93.9 | 95.9 | 117.5 | 102.1 | 89.5 | **99.8** |
| Average number of targeted inspections per OH&S officer* | 7.1 | 16.7 | 16.5 | | | |
| Closed orders that went past the stated compliance date (%) | 47.5 | 49.5 | 41.6 | 47.1 | 47.4 | **46.6** |
| Success rate in prosecutions * (%) | 67.6 | 39.6 | 56.3 | 65.8 | 84.2 | **62.7** |
| Average cost per activity (Dec. 03 $) | $1,495 | $1,467 | $1,330 | $1,273 | $1,486 | **$1,410** |
| Level of staffing** (%) | 90.0 | 93.9 | 85.4 | 87.2 | 82.4 | **87.8** |

* "Success" is defined as the percentage of charges which resulted in "Guilty" verdicts in the total charges decided in the relevant fiscal year that were recorded as either Guilty, Not Guilty, Dismissed, Stayed, or Quashed.

** The number of officers for these calculations is derived from a consideration of individual officer starting and ending dates.

**Outcomes and Outcome Measures:**

The Division is accountable for meeting the outcomes and outcome measures noted in the Department's annual Business Plan (see http://www.gov.ns.ca/enla/pubs/b_plan04.PDF). These are as follows:

| Outcome | Measure | Data* | Target* | Strategies to Achieve Target |
|---|---|---|---|---|
| A safe work environment | Annual percentage of targeted inspections where a health and safety order is not issued. | 52.5 % (2003) vs. 43.5 % (2001 - Baseline) | Increase the percentage from the base year (2001) measure | - work with the WCB to increase OH&S promotion and education<br>- continue to develop a targeted risk-based inspection system |
| | Number of registered WCB claims per 100 employees, compared to the 5-year running average | 7.73 (2003) vs. 8.14 running average from 1999 to 2003** | Maintain or decrease number of claims relative to 5 year running average | - work closely with WCB to identify high accident firms, sectors and types of accidents<br>- work with the WCB to increase OH&S promotion and education<br>- continue to develop a targeted risk-based inspection system |
| | Average number of compensable days for all compensable time loss claims filed in the year and receiving benefits during the year, compared to the 5-year running average | 38.20 (2003) vs. 32.88 running average from 1999 to 2003** | Maintain or decrease the average number of days relative to the 5- year running average | |

* Years refer to calendar years.

** Data from WCB

**Interprovincial Comparisons:**

In addition to the previous data, the following data on where Nova Scotia ranks interprovincially are relevant. The years in the following table are calendar years.

| Indicator | 2002 | 2001 | 2000 |
|---|---|---|---|
| WCB Claims /100 workers of assessable employers | | | |
| Nova Scotia value | 12.95 | 11.7 | 11.83 |
| Atlantic Canada average | 10.56 | 10.99 | 11.74 |
| National average | 9.6 | 9.99 | 10.19 |
| NS rank nationally(1 = best; 12 = worst) | 11 | 9 | 6 |
| Injury Frequency ( lost time claims / 100 workers of assessable employers)* | | | |
| Nova Scotia value | 3.11 | 3.37 | 3.55 |
| Atlantic Canada average | 2.58 | 2.95 | 3.32 |
| National average | 3.21 | 3.38 | 3.62 |
| NS rank nationally (1 = best; 12 = worst) | 7 | 7 | 5 |
| Average composite duration of claims (days) | | | |
| Nova Scotia value | 94.18 | 102 | 85.5 |
| Atlantic Canada average | 88.41 | 96.4 | 94.9 |
| National average | ** | ** | ** |
| NS rank nationally (1 = best) | 6 of 8 | 8 of 9 | 7 of 9 |
| OH&S costs paid by WCB/$100 of assessable payroll | | | |
| Nova Scotia value | $0.07 | $0.06 | $0.06 |
| Atlantic Canada average | $0.09 | $0.09 | $0.09 |
| National average | $0.11 | $0.11 | $0.11 |
| NS rank nationally (1 = lowest costs; 12 = highest costs) | 3 | 2 | 2 |

Data from Association of Workers' Compensation Boards of Canada. For details on this data and for information for specific provinces, see http://www.awcbc.org/english/board_data.asp.

* Note that this value is different from the similar value reported in Table One. In Table One, the number of lost time claims is divided by total NS employment; in the above table, the lost time claims are divided by the number of employees of WCB assessable employers only.

** Data not available.

**Overview of Divisional Operations:**

Appendix Five contains summaries of

- the Divisional operations for 2003/2004 and, where available, previous fiscal years
- selected WCB statistics.

The Division assumes that the basic statistics from each agency accurately state the parameter they describe.

The reader should be aware that, while the Division's mandate and operations involve all sectors of the provincially-regulated workforce, the WCB statistics address only those firms registered with the WCB. Thus, the data is not directly comparable and any direct ratios of the Divisional and WCB numbers must be reviewed with caution.

The Division is not able at this time to differentiate its activities between WCB-covered and non-WCB-covered firms. The issue is actively being considered in the context of possible improvements to the information management system.

Appendix Five contains:

| | |
|---|---|
| Table 5-1 | Tracked Activity Numbers (Fiscal Years) |
| Table 5-2 | Orders Issued Under The OH&S Act, Smoke-free Places Act, MMQRA*, Associated Regulations & Codes of Practice - Summary Version (Fiscal Years) |
| Table 5-3 | Orders Issued Under The OH&S Act, Smoke-free Places Act, Associated Regulations & Codes of Practice - Detail Version (Fiscal Years) |
| Table 5-4 | Prosecutions by Industry Type (Fiscal Years) |
| Table 5-5 | Decisions on Prosecution Charges |
| Table 5-6 | Percentage of Activities by Industry Type (Fiscal Years) |
| Table 5-7 | Percentage of Inspections Coded as "Targeted" by Industry Type (Fiscal Years) |
| Table 5-8 | Percentage of Orders by Industry Type (Fiscal Years) |
| Table 5-9 | Distribution of Complaints Investigated by Industry Type (Fiscal Years) |
| Table 5-10 | Percentage of WCB Time-Loss Claims by Industry Sector (Calendar Years) |
| Table 5-11 | Ratio of % of Orders to % of Activity by Industry Sector (Fiscal Years) |
| Table 5-12 | Ratio of % of WCB Time-Loss Claims to % of Activities by Industry Sector (Calendar Years) |
| Table 5-13 | Ratio of % of WCB Time-Loss Claims to % of Orders by Industry Sector (Calendar Years) |
| Table 5-14 | Total Costs of the OH&S Division |
| Figure 5-1 | Activities, Orders, and WCB Claims by Industry Group - Calendar Year 2002 |
| Figure 5-2 | Ratio of % of Orders to % of Activities by Industry Group |
| Figure 5-3 | Ratio of % of WCB Time-Loss Claims to % of Activities by Industry Group |
| Figure 5-4 | Ratio of % of WCB Time-Loss Claims to % of Orders by Industry Group |

* MMQRA = Metalliferous Mines and Quarries Regulation Act

**Observations from Review of Divisional Operations:**

Based upon the data on Divisional operations contained in this report, the following observations are drawn:

1. Of the services where client satisfaction was measured (provision of information through e-mail and mail outs), client satisfaction was maintained at an acceptable level.

2. The number of activities decreased from 2002/2003 levels. The number of orders increased for the third year in a row.

3. There is an ongoing issue of timely compliance with orders. While the number of orders that went past the compliance date declined slightly, the number remains high.

4. The number of toll-free telephone calls to the Division has dropped substantially over the last two years, while the use of the Divisional Internet site has increased over 300 percent over the same time period.

5. The average cost per activity increased.

6. The overall staffing level was maintained at an acceptable level.

7. The number of targeted inspections per officer continued to decrease.

8. Partial year data from the Contact Tracking System indicates that 32 percent of complaints are related to the construction sector (Appendix Five - Table 5-8).

9. Complaint responses measured by complaint-driven inspections identified that 40 % of the complaints investigated by the Division involve the construction sector (Appendix Five, Table 5-11).

10. There were more inspections in the construction industry than their accident frequency would suggest is appropriate; there were fewer inspections in the health and social services industry than their accident frequency would suggest is appropriate.

11. The number of complaints investigated by the Division decreased by 6 percent from 2001/2002.

12. The construction industry accounted for 29 of the 45 prosecutions initiated in 2003/2004 (64.4 percent).

13. The numbers of public information sessions and courses decreased as the "prevention" operations were transferred to the WCB in accordance with the Government response to the Dorsey Report.

14. The major issues addressed by orders in 2003/2004 were:
    a. IRS
    b. Ventilation, lighting, sanitation, accommodation
    c. Hoists, mobile equipment
    d. Premises and buildings safety, construction and demolition
    e. First aid certificates
    f. Fall protection outside of roof work.

All of these issued had more than 300 orders written in 2003/2004.

## Initiatives

In addition to those activities discussed elsewhere in this report, the following initiatives took place in 2003/2004:

**Quarterly Reporting:**
In line with the recommendations of the Dorsey Report and the Government's response, the Division and other WSIS members started to submit quarterly reports to the WCB.

**Improvements in the Targeting System**
In order to address deficiencies in the inspection targeting system used in 2003/2004, a revised system was developed for implementation in 2004/2005. The new target system is made up of the following major areas:

Safety inspections:
All firms with:
1. more than 6 WCB claims in calendar year 2003;
2. at least 1 loss time WCB claim in calendar year 2003; and
3. a payroll of at least $125 000 in calendar year 2003

Hygiene inspections:
1. General hospitals
2. Iron foundries
3. Fish plants.

In addition, the targeting policy was revised to:
1. make targeted inspections a higher priority than regular inspections. Complaint/accident investigations and prosecutions remain as higher priorities than targeted inspections though.
2. require more than one inspection at a targeted company.

**Information Management:**
A new computer program (the Contact Tracking System) was implemented to track complaints, accidents and inquiries. This program allows for much improved reporting of data.

**Policy Update:**
The Division completed a refreshing and reformatting of all of its internal policies. These policies were made available to staff through the Division's Intranet site and in hard copy form.

**OH&S Grants:**
The Division administered two programs through which outside groups could obtain grants for OH&S projects. The first program, working closely with the Advisory Council, encouraged original research, scientific studies and innovative activities in occupational health and safety through the provision of grants of up to $25 000. In 2003/2004, the Department processed three requests for grants through this program, accepting the following two:

Seatech Limited

Optimum Exhaust Ventilation Procedures to Remove Organic Vapours in Brush Painting in Marine Confined Spaces
$25 000

Daltech
Inherent Safety Hazard Analysis Tools
$23 000

At year end, both funded projects were nearing completion.

In addition to the above grant program, the Department gave ad hoc grants to support three other projects:

NS Fisheries Sector Council
Development of an OH&S book for the fishing industry
$28 500

Local 1588 - United Brotherhood of Carpenters and Joiners Of America
"Safety First - Safety Tips" campaign
$7 750

Canadian Centre for Occupational Health and Safety
Inquiry Service
$24 000

The total amount of grant money awarded in 2003/2004 was $108 250.

**OH&S Awards:**
Carrying on from previous years, the Division, in concert with the WCB and HRSD, gave out awards during North American Occupational Safety and Health Week to companies in each county. In 2003/2004, the winners were:

B & J Draggers Limited
Central Equipment Limited
Plyform Construction Limited
Darrin Carter Logging Limited
Highland Manor
R & C Weare Logging Limited
Houmard Acadie Inc.
Santec Construction Managers Limited
Atlantic Corporation Ltd.
C & J Mason Holdings Limited
3-way tie (Halifax County): Rideau Construction Inc.,
Nova Charter Service Inc., Pro-Dent Laboratory Ltd.
L & E MacGrath Bros. Ltd.
Quentin's Roofing Ltd.
H.B. Forestry Ltd.
Annapolis Royal Nursing Home Ltd.
Point Tupper Marine Services

Sea Star Seafoods Ltd.
Northumberland Logging Ltd.

**Blaster Certification Transfer:**
Pursuant to the recommendations of the Licenses, Permits and Approvals Task Force, the Division continued negotiations with the Department of Education towards the transfer of the blasters certification system to the latter department. At year end, the negotiations were continuing.

**Dental Office X-Ray Survey:**
The report for this survey of X-ray machines in dental offices was completed.

**Radiation in Drinking Water:**
The Division's Radiation Health Officer offered significant support to the provincial strategy addressing radiation in drinking water. The project was ongoing at year end.

**Mine Rescue Competition:**
The Division is a co-sponsor of the Nova Scotia/New Brunswick Joint Mine Rescue Competition. In 2003/2004, there was no actual competition However, the Division did support a Mine Rescue Training Day held in Pugwash, NS.

**Cost Benefit Analyses:**
As part of the recommendations of the Red Tape Reduction Task Force, the Division continued calculating the public cost impacts of proposed regulations.

**WCB Statistics:**
The Division continues to make frequent use of the WCB data extract that it has received for several years. In 2003/2004, the Division was granted on-line access to parts of the WCB data warehouse.

# Reviews of Trends in OH&S

This section reviews trends in OH&S that have come to the attention of the Division. The reviews are based on the following four questions:

**What is happening?**
What are the recent facts, issues and trends?

**Why is it happening?**
To the extent that the underlying cause is known to the Division, explain why the facts, issues and trends are happening at the time and in the way they are.

**Why is it significant?**
What are the implications for OH&S if the facts, issues and trends continue.

**What is the Division's response?**
How has the Division responded this fiscal year or does the Division plan to respond in the future to the facts, issues and trends noted above?

Trends described in previous annual reports are:

1. Risk Management (2002/2003)
2. Need for Greater Cooperation (2002/2003)
3. Desire for Less Red Tape (2001/2002)
4. Desire for Greater Government Accountability (2001/2002)
5. Ergonomic Injuries Dominate All Other Injury Types (2001/2002)
6. Young Workers Have a High Accident Frequency (2001/2002).

## Electronic Access to Information

**What is happening?**
The number of times the public has accessed information on the Division's Internet site has increased from 84 126 times in 2001/2002 to 346 308 times in 2003/2004. This represents a 312 percent increase (see Appendix Two for details).

Over the same time period, the number of telephone calls to the toll-free line (which is assumed, based on population ratios, to represent about one-half the total calls to the Division) never exceeded 7 000 in a year.

**Why is it happening?**
The public is becoming increasingly accustomed to accessing information electronically. This trend is being helped by, among other things:

1. the 24-hour access of Internet sites
2. an increasing number of public Internet access sites
3. increased training in Internet usage in the school system and at work
4. rising numbers of computers at work sites and private homes
5. increasing Internet access speeds.

**Why is it significant?**
The Division has a mandate to distribute OH&S information to the public. In order to do this, the Division must tailor its communications to fit the predominant ways in which the Division's clients wish to access OH&S information.

**What is the Division's response?**
In the last several years, the Division has:

1. placed most new documents on the Internet
2. expanded its Internet site and the links it contains
3. implemented a Client Contact Service whereby clients who so request are sent e-mailed updates on OH&S issues. Although this service is now administered by the WCB, the Division still uses it to update its clients who are subscribers on significant issues.
4. redesigned the Divisional web-site to make navigation easier.

The Division will continue in these efforts to expand its use of the Internet. An Internet satisfaction survey is also planned to gauge the public's opinion of the layout of the Divisional site.

The above responses do not imply that the Division will stop producing paper documents or decrease telephone service. They do imply more resources being devoted to Internet communications.

# Other Items Included as Information

## Occupational Health and Safety Division Staff

| | |
|---|---|
| Director | Jim LeBlanc |
| Provincial Manager - Inspection and Compliance Services | Vacant (Ray O'Neil acting until July 7, 2003) |
| Provincial Manager - OH&S Professional Services | Stewart Sampson |

Regional Managers

| | |
|---|---|
| CentralRegion | Gary Lively (Acting) |
| Cape Breton | Vince Garnier |
| Northeast | Dale Bennicke |
| Southwest | Gary Ramey |

## Board of Examiners for the Certification of Blasters

Chair:
Kevin Beaton

Members:

| | |
|---|---|
| Paul Caza | D. Clark |
| Alan Miller | A. Baxter |

## Board of Examiners for the Certification of Coal Mining Personnel

Note that, with the advent of the Underground Mining Regulations, this Board was dissolved on November 8, 2003.

Chair:
Sam Schwartz, P.Eng.

Members:

| | |
|---|---|
| John Ling | J. Reid, P.Eng |
| Robert Gillis | |

Government Members:
Pleman Woodland (Division)

Observer:
Frank Andrews (HRSD)

**Occupational Health and Safety Advisory Council**

Co-Chairs:

Employee:
R. Wells

Employer:
S. Peverelle (April 1, 2003 - December 15, 2003)
G. Slauenwhite (December 16, 2003 - March 31, 2004)

Members:

Employee Members:
J. Kennedy (Employee Vice Co-chair)
S. Andrews
R. Clarke
G. Fraser
R. Wells
B.J. Sutherland

Employer Members:
J. Amirault (Employer Vice Co-chair)
A. MacKeigan
S. Peverelle
C. MacCulloch
G. Slauenwhite (December 16, 2003 - March 31, 2004)
M. Lowe (April 1, 2003 - November 30, 2003)
P. O'Brien (April 1, 2003 - June 30, 2003)
Harris McNamara (December 16, 2003 - March 31, 2004)

Alternate Members:

Employee:
D. Ryan
C. MacRae
M. Pickup
G. Randall

Employer:
D. Grant Fiander
L. van Berkel
P. Vienotte (April 1, 2003 - November 30, 2003)
A. Howell
C. Murphy (April 29, 2003 - March 31, 2004)
D. Davis (April 29, 2003 - March 31, 2004)
G. Slauenwhite (April 1, 2003 - November 30, 2004)
Jacqueline Hatt (December 16, 2003 - March 31, 2004)
Neil Power (December 16, 2003 - March 31, 2004)

Statutory Members:

Division:
J. LeBlanc
S. Sampson (alternate)

WCB:
S. MacLean
L. McKenna (alternate)

## Appendix One - Proposals for Changes to the Act or Regulations

Proposals for changes to the Act or its regulations are submitted to the Division by several outside parties on an ongoing basis. These proposals are listed in this appendix. The listing of a proposal in this Appendix does not imply Divisional support for that proposal.

Occupational Health and Safety Act:

| | |
|---|---|
| - | Act should specify specific duties for supervisors as is done in the Ontario and NB OH&S Acts. |
| 3(o) | Several sections of the regulations refer to "employees" doing things. However, in the context of a single proprietorship, there is no "employee." The Act should be changed to ensure equivalent coverages to single proprietorships |
| 3(p) | If the Legislature means to include fishers as employers and employees under the OHS Act, it should do so specifically and inform the industry. |
| 3(ab) | The test currently requires ALL 3 of time, trouble and money to be excessive. Should this be changed to some "summation" or total of the 3? |
| 3(ah) | By requiring an "employee" at a workplace, single proprietorships are exempted from all workplace controls. |
| 4 | Act should cover volunteers. |
| | Current OH&S legislation in Canada does not adequately address the working conditions of professional employees. Legislation and regulation focuses on sectors where physical labour dominates. Potential gaps are: 1)ergonomics 2) regular environmental audits of buildings 3) severe impact of workplace stress 4) need to ensure professional employees are represented on local H&S committees 5) need to address workplace harassment as an OH&S issue 6) the need to revise H&S training programs to take account of realistic case studies and examples based on office settings. |
| 13(c) | The word "provide" is vague as to whether the employer is to pay and, if so, for what. This should be clarified. |
| 19 | For an engineer's certification of various items, is it acceptable that the engineer NOT be present - that they simply sign off on a technician's test result sheet. (5) |
| 22(a) | The *Trade Schools Regulation Act* has been repealed. The successor law is the *Private Career Colleges Regulation Act.* |
| 28(3)(b) | To conform with OH&S Division policy, the request should be required to be in writing. |
| 29(1) | The Act should clarify that workers who work "from" a central location but are not often physically "at" the central location (i.e. construction workers, repair persons, etc.) are still counted as working at the central location for the purposes of determining the need for a JOHSC. |
| | Since the Act creates project committees in places where company-specific committees would already exist, the Act should clarify which committee is responsible for what. |

| | |
|---|---|
| | In this and others sections of the Act and sections of the regulations, number of employees is used as a trigger for various requirements. This assumes that hazard is directly related to the number of employees. Given the data that now exists, cannot other criteria (such as industry or WCB rate group?) be used instead to define the threshold for various requirements? |
| 30(3) | This does not establish which procedure to use - union designation or employee selection - in which circumstances. The issue of which applies in a mixed union/non-union company arises. |
| 31 | A provision should be added for JOHSCs to be consulted regarding worker training. |
| 33(1) | Should there be an allowance for unions to appoint Representatives, as there is for JOHSC members? |
| 35(1) | Clarify that requests for information or reports must be in writing and separate from the minutes of the committee. |
| 40(1) | Act should allow for fax service of orders if there is reason to believe a specific fax number serves the relevant individual (i.e. the fax number is on the individual's business card). |
| 42(1) | Clarify that "workplace occupational health or safety monitoring and the taking of samples or measurements that relate to the health or safety of employees . . ." includes all tests a significant part of whose rationale is based in either health or safety. This includes such things as air and noise tests, crane tests, vehicle safety checks and tests on safety devices. The Act should clarify that this section does not give employees the right to observe medical tests (such as audiograms or blood lead tests), or any other test where personal privacy is important. (1) |
| | Expand on the definition of <u>regular and frequent</u> in (a). |
| 42(1)(b) | Define Remote location in (b)to mean 30 minutes or more, by ground transportation, from the location of the observer (as in First Aid Regulations). |
| 42(3)(a) | Define "reasonable notice." |
| 46(1)(a) | There should be a more user-friendly way to state these entitlements. |
| 47 | As Ontario did in response to the Inco case, we should consider providing justices of the peace and provincial judges, among other things, with the power to authorize by warrant, occupational health and safety inspectors to use any investigative technique or procedure if they are satisfied there are reasonable grounds to believe that an offence has been committed |
| 48(2) | Consider adding "A copy of a record that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value." |
| 63(1)(a) | Define "Bodily injury" |
| 64 | Harmonize the terms "bodily injury" and "serious injury" in 63 and 64. |

| | |
|---|---|
| 67/69 | The time lines are different in that 67 refers to "days after service" and 69 refers to "date of the decision". Should they be harmonized? |
| | The length of the time lines should be reviewed and lengthened if required. |
| 74(1) | Add wording for higher fines for repeat offenders. |
| | Add in a minimum fine, at least for certain offences or situations. |
| 75(1)(b) | Should we add the power to conduct public education sessions on any topic, not just the offence? |
| 77 | An amendment should be considered imposing a clear duty on Management/ Supervisors, to ensure compliance with the Act or any Regulations made under the Act. This feature has been present in the Ontario Act for may years and has been successfully litigated.<br>This section applies only to "corporations". Thus, unions and other unincorporated bodies are exempt. |
| 82(1) | Should a power be added to allow for JOHSCs to be established at classes of workplaces with less than 20 people (i.e. mines)? |
| | Should more powers be added to require owners to do things? |
| | Do we have the power to require an employer to do an inspection of a piece of equipment? |
| | Act should clearly allow for the automatic adoption of updated standards as is done in Canada Labour Code, subsection 157(5). |
| 84(1) | The window for this option has expired. Repeal. |
| 89(2,3,5) | The window for these options has expired. Repeal. |

<u>Fall Protection and Scaffolding Regulations:</u>

| | |
|---|---|
| 3(as) | The definition of "wooden carpenter's portable bracket scaffold" is unclear and does not clearly differentiate a banned "wooden carpenter's portable bracket scaffold" from a legal "bracket scaffold." |
| 7(1)(a) | Clarify how 3m is measured when one is working from a sloped roof (i.e. from the edge or from the work location). |

7(1)(v) There may be some "deficiencies" in the wording for the provisions under Part II: Fall Protection. Two examples are Subsection 17(1) requires that "fall protection shall be provided ..."
Subsection 7(1)(v) requires that "a means of fall protection shall be provided ..."

The concern arises from what I understand to be a fairly typical fact situation: officers will find workers up on a roof without fall protection, but yet the equipment is located in a truck or somewhere on site. Accordingly, the argument might be that the employer "provided" the equipment (and possibly training, etc.), but did not "ensure" that the employees are wearing it. (2)

The Ontario OH&S Act distinguishes between the duty to **provide** and the duty to ensure equipment is **used:** clause 25(1)(a) is the obligation to *provide* equipment, materials, and protective devices; and, clause 25(1)(d) is the obligation of ensuring that those things are *used*.
According to Arnott's text, there is a case where an employer was <u>not guilty</u> of failing to **provide** fall arrest equipment where it was **provided** but not **used**

8(1)(c)(i) Wrong title of standard. It should be CAN/CSA-Z259.11-M92 (R1998) "Shock Absorbers for Personal Fall - Arrest Systems"

9(3)(c) #1 grade spruce is not sold in NS. Use the wording from the equivalent OSGR sections.

17 "3/12" is actually an Imperial measurement (3" in a foot). It should be replaced by "1/4" or the equivalent measurement in degrees. (1)

This entire section is very confusing and should be rewritten.

24(1) The term "certified by a professional engineer" is vague. Some issues:
- must it be in writing?
- when must it be certified - before use? within X days?
- what are the minimum words that must appear on the certificate?
- what if the certificate contains a list of deficiencies?
- what are the criteria for certification?

36(1) We should ensure that this section covers case pickers as well.

36(4)(e) There should be a requirement for annual engineer's inspection.

There should be a requirement for an annual non-destructive examination for welding to detect fatigue cracking.

There should be a requirement that critical load bearing parts are identical in specification to that of the original equipment manufacturer or, where the OEM no longer exists, an engineer.

There should be a requirement that an engineer can only issue a certificate on a device if the device is safe.

<u>First Aid Regulations</u>

| | |
|---|---|
| - | There should be a requirement for employer to offer vaccinations for hepatitis to first aid attendants either routinely or after an exposure to bodily fluids |
| 5(1) | The onus is placed on the employee here, not the employer (1) |
| 5(3) | Nursing homes should not be required to comply as they have RN's on staff. |
| 14 | The "kit system" should be arranged to establish only one basic kit, with the number of basic kits varying as workplace numbers vary. (6) |
| 14(2)(g) | Should "medical grade" gloves be required, rather than any latex glove? (1) |
| 14(2)(k) | Should a one-way valve be required in the barrier devices? (1) |
| 17(2) | The First Aid Regulations should require automated external defibrilators at larger workplaces. |
| 18(5) | This section would allow an employer to have a person working alone have just emergency first aid. Is that the intent? Should there be a minimum number of people with emergency first aid before the standard first aid is no longer a requirement? (1)<br><br>If the 30% applies to remote locations, what should apply in non-remote locations? (1) |

General Blasting Regulations:

| | |
|---|---|
| 3 | Add several terms in the interpretations: "burden; stemming; stemming material; post/anchor hole blasting". |
| 3(1) | Ensure charges for powder-actuated tools are not considered as explosives |
| 6 | It is unclear which standards - NS or federal - would prevail in event of a conflict. |
| 10(3) | After sub section 3 add: "The position of drill holes shall be selected as to allow a sufficient amount of burden to a free face to help keep fly rock to a minimum. |
| 12 | To this section add: A sufficient of stemming shall be added to create an upward burden to help reduce fly rock.<br>Where practical, a blasting mat of suitable material may be used to control fly rock. If blasting mat used to cover the blast, the mat shall be installed before the detonator is attached, if attaching above ground" |
| 13(11) | Consider adopting CAN3-CSAZ107.54 Procedure for measurement of Sound and Vibration due to blasting operations. |
| 15 | Clearer definition of underwater blasting - outline the boundary requirements better. Where the diver is when explosives are set-off. |
| 17 | The requirement for a magazine license should be deleted. This will automatically trigger federal licensing. |
| 18 | The requirement for a blaster's certification should be transferred to Education. |

19(2ai) A background check should be undertaken before a person can apply for a blasting licence. *(Note - the Federal Explosives Act has been revised to apply restrictions on certificates allowing persons to possess explosives. The new restrictions, which may require a criminal records check, will be outlined in federal regulations that have not yet been passed. Any NS blasting certificate would have to meet these federal restrictions if it is to be used to possess explosives)*

Occupational Health Regulations:

These regulations are the subject of a comprehensive review planned to be revisited in 2001.

Occupational Safety General Regulations:

| | |
|---|---|
| - | There should be limitations on hours of work.<br><br>The regs should adopt the National Safety Code for transportation safety. http://www.gov.mb.ca/tgs/transreg/tsr/core/natsafecode.html#9 |
| 2 | "Act" is used several times in the regulation to refer to the OH&S Act. However, "Act" is never defined. |
| 2(b) | ALI stands for the "**Automotive** Lift Institute" |
| 2(j) | Move requirement for designation to be in writing out of Interpretation Section. |
| 2(p) | The definition is vague as to what "material" is. This leads to questions about whether garage door openers, Sobey's front doors are meant to be covered. |
| 5 | Regulations should override manufacturers' specifications as well. |
| 9(3) | This section does NOT require that the manufacturer's specifications be followed when selecting or using the equipment. |
| 11 | This requirement may be unsafe on a motorcycle, ATV or similar vehicle. Perhaps say "or other protective headwear specifically designed for the purpose and meeting the requirements of a relevant CSA or ANSI standard." |
| 13(3)(b) | There is an inconsistency here in that the standard says "Selection, Use, and Care" while the regulation states only "use, maintenance and testing." It should be clarified if the entire standard is adopted or not. |
| 25 | With the amendments to the Fire Safety Act, the references in this section should be reviewed to ensure only one regulator is overseeing fire safety. |
| 47(3) | This creates confusion in the public over who is in charge of fire safety - OH&S or the Fire Marshal. Especially considering that OH&S and the FM are in one Department, the government should place all fire safety within the realm of only one Division. |

| | |
|---|---|
| 51(4) | The issue of a machine shut down by a power failure and automatically restarting after restoration of power is not dealt with. California is proposing a law that requires provisions to prevent restarts upon restoration of power if inadvertent start-up is a safety hazard. |
| 58(a) | Should a back-up alarm be required on all vehicles at a work site, not just powered mobile equipment? |
| 62(1)(b) | Preamble calls up only SAE standards but b) is an ISO standard. |
| 63(1) | Industrial lift trucks should not have to have ROPS.<br><br>The regulation should allow for the adoption of more standards.<br><br>The regulation should require that ROPS be replaced after a rollover. |
| 72(1)(e) | Standard incorrectly referenced - should be "Automotive Lifts - Safety Requirements for Construction, Testing and Validation" |
| 72 | Adopt CSA B335-94 (R2000) Industrial Lift Truck Operator Training |
| 73(6) | A load test should be automatic, not discretionary. |
| 90 | Adopt CSA Z62.3-96 (R2001) - Chain Saw Kickback |
| 101(2) | This is inherently dangerous practice, believe clause needs to be reviewed and repealed. |
| 104 | The regulation should clarify whether or not a power "tool" is or is not also a "machine", as the requirements for tools and machines are different. |
| 113(2)(b)(ii) | Given that LEL's are normally +/- 5%, 1% of the LEL would be only 0.05%. This is far below any hazard. It should be 1% of total concentration. |
| 123(1)(b)(viii) | Add ASTM before standard name. |
| 126 | Section restricts companies from performing a number functions that they do not believe pose a danger. Recommend criteria or procedure developed to allow work while addressing safety concerns. (3) |
| 127 | The requirement for a plan should be limited to the situations described in 127(b)(i) to (iii).<br>The regulation should detail that enough information must be provided to allow for an adequate lock-out to be performed. |
| 129(1) | The definition as written could exempt sewers since they are in fact designed for regular and scheduled human occupancy in the form of inspections and maintenance. Suggest that (a) be rewritten to say "not designed or intended for regular human occupancy except for inspection, maintenance, cleaning or similar activities." |

| | |
|---|---|
| | There is a vagueness here as to the "credit" given to PPE and ventilation. Some rulings from Ontario have said that tanker trucks, because one can wear PPE to supply a safe atmosphere, cannot be called confined spaces capable of generating an unsafe atmosphere. The same logic applies to ventilation - because one can blow air into a tanker truck, one can totally escape the confined space requirements. Suggest qualifying (c) by saying "in the determination of whether a space is or may become hazardous to a person entering it because of its atmosphere, no allowance is to be made for the use or potential use of personal protective equipment or ventilation." |
| 131(2) | This references 130(8)(a) and (b) (chemical and physical tests) but not 130(8)(c) (oxygen level). 130(8)(c) should be added. |
| 134(3) | As currently written, the "reasonably practicable' applies only to the provision of the harness, not its use. The use would be required in all cases.<br><br>An "E" type harness should not be required without also requiring a yoke and allowing for extra height on a tripod. Better to allow any CSA-approved harness. |
| 148(2)(e) | We should clarify if this bars working from platform ladders. |
| 150(1) | The requirement to maintain the ladder to the CSA standard should be added. |
| Part 11 (120) | There should be a requirement for GFCI in outdoor and wet locations. |
| Part 14 (166) | There is inconsistency between the use of "excavation" alone and "excavation or trench".<br><br>In several sections, it is uncertain how deep an excavation/trench must be before these requirements are triggered.<br><br>Is there a need to use the word "trench" at all? |
| 182(a) | The 2 week notice should apply to the start of the crusher or the first production of product. It should not apply to land clearing or preparatory activities. |
| 196 | It is unclear if this requirement applies to mine rescue personnel. It is suggested that it should. |
| Part 8 | Reference CSA standard Z432-04, Safeguarding of Machinery |

Temporary Workplace Traffic Control Regulations:

This regulation is currently under revision. All comments have been accounted for in that process.

Workplace Hazardous Materials Information System Regulations:

| | |
|---|---|
| 1(m) | From policy issue sheets, clarify that the term "laboratory" includes non-traditional laboratories, such as field testing situations, production line sampling/testing and steam heating plant sampling/testing. |
| 1(n) | From policy issue sheets, clarify that "Normal conditions of use" does not include an installation process, such as welding a copper pipe, or releases associated with maintenance or abuse.<br><br>From policy issue sheets, clarify that "Exposed to" means exposed to a sufficient quantity to pose a hazard |
| 1(o) | From policy issue sheets, clarify that an MSDS that meets the format criteria used by the International Labour Organization (ILO), the American National Standards Institute (ANSI) or the European Community is acceptable provided all items required by the CPR are present somewhere on the MSDS. |
| 1(p) | From policy issue sheets, clarify that the "generic name" must be as precise as reasonably possible without disclosing any protected trade secrets. For example, calling a very complex and large molecule a "substituted ethylene" would not be acceptable, as there are names which could describe it more precisely. |
| 2(3)(d) | Under TDG, "being transported" includes warehousing operations. This then exempts warehouses from WHMIS. Is that intended? |
| 4(a) | This list actually never says to instruct in the specific hazards of the specific controlled product. This should be added. |
| 5(1)(c) | Add a H&S Representative to the consultations. |
| 7(1) | From policy issue sheets, clarify that in the special case of animal or human tissue or fluids that do or may contain biohazardous infectious materials, the workplace label shall identify the active biological organism that is known or suspected to be present. |
| 11(2)(e) | From policy issue sheets, clarify that in the case of biohazardous infectious materials, "chemical identity" means the name of the active biological organism. |
| 11(2)(h) | From policy issue sheets, clarify that the emergency telephone number does not have to be available at all times. |
| 12(6) | Add H&S Representative |
| 14(1) | Define "Readily available". (1)<br><br>Make a specific allowance for "Fax on Demand" systems, whereby MSDS's are maintained by a contract organization offsite and faxed to a user location upon demand. |
| 14(1)(b) | Add Health and Safety Representative. |
| 14(2)(c) | Add Health and Safety Representative. |
| 15(1) | Note that this is an outdated reference. The correct reference in sub-section 61(1) of the 1996 Occupational Health and Safety Act. |
| 19(1) | Add Health and Safety Representative. |

20(2) These dates are all passed. These sections have no current use.

20(3) These dates are all passed. These sections have no current use.

21(1) These dates are all passed. These sections have no current use

Underground Mining Regulations:

These regulations are currently under revision. All comments have been accounted for in that process.

## Appendix Two - Information Distribution and Tracking

**Table 2-1**
**Information Distributed by Telephone**

| | 2003/2004 | 2002/2003 | 2001/2002 |
|---|---|---|---|
| # Toll Free Class Received | 4,824* | 3,768** | 6,583 |

*Figure is based on prorated data for 11 months.
**Figure is based on prorated data for 5 months.

For telephone calls originating outside of Halifax but within Nova Scotia, a toll-free line is available. The call statistics for that line are given above. Note that details on local calls are not recorded by the telephone company and are not available for this report.

**Table 2-2**
**Inquiries Recorded**

| | 2003/2004 |
|---|---|
| # Inquiries Received | 2088* |

* prorated value based on 522 inquiries recorded on the Contact Tracking System over the period January 1st 2004 to March 31st, 2004.

**Table 2-3**
**Percentage of Inquiries by Industry Type***

| Industry | SIC Range | 2003 / 2004 | |
|---|---|---|---|
| | | % of all Inquiries Received | % of Inquiries where the SIC was Determined |
| Accommodation, Food, and Beverage | 9000-9599 | 4.0 | 13.9 |
| Agricultural and Related Services | 0000-0299 | 0.4 | 1.3 |
| Business Services | 7700-7999 | 2.5 | 8.6 |
| Communications | 4800-4999 | 0.6 | 2.0 |
| Construction | 4000-4499 | 3.1 | 10.6 |
| Education Services | 8500-8599 | 1.0 | 3.3 |
| Finance and Insurance | 7000-7499 | 0.2 | 0.7 |
| Fishing and Trapping | 0300-0399 | 1.0 | 3.3 |
| Government Services | 8000-8499 | 6.9 | 23.9 |
| Health and Social Services | 8600-8999 | 2.1 | 7.3 |
| Logging and Forestry | 0400-0599 | 0.0 | 0.0 |
| Manufacturing | 1000-3999 | 2.5 | 8.6 |
| Mining, Quarrying, and Oil | 0600-0999 | 0.2 | 0.7 |
| Other Services | 9600-9999 | 2.1 | 7.3 |
| Real Estate / Insurance | 7500-7699 | 0.4 | 1.3 |
| Retail Trade | 6000-6999 | 1.7 | 5.9 |
| Transportation and Storage Industries | 4500-4799 | 0.0 | 0.0 |
| Wholesale Trade | 5000-5999 | 0.4 | 1.3 |
| Unknown** | - | 71.1 | - |

* Based on 522 inquiries recorded on the Contact Tracking System over the period January 1st 2004 to March 31st, 2004.

** On the Contact Tracking System, there is an option for the recorder to select "Unknown" if unsure of the Industry Type. Most inquirers do not state their industry or give the Division any information from which their industry type could be reasonably inferred.

**Table 2-4**
**Percentage of Top 5 Pertinent Laws Referenced In Inquiries***

| Top 5 Pertinent Laws (Inquiries) | 2003/2004 |
|---|---|
| Occupational Health & Safety Act | 62.07 |
| Occupational Safety General Regulations | 8.43 |
| Workplace Hazardous Materials Information Systems Regulations (WHMIS) | 6.32 |
| First Aid Regulations | 3.45 |
| No Specific Law | 11.11 |
| All other laws | 8.62 |

* Based on 522 inquiries recorded on the Contact Tracking System over the period January 1st 2004 to March 31st, 2004.

## Internet Information Use

The Internet is an increasingly important source of public information. The following tables show the use of the Division's Internet pages. Note that, due to programming limitations, some Internet sites that are accessed less than others are not detailed in this report.

**Table 2-5**
**Top Page Views of Division Internet Pages**
Excludes pages giving texts of laws as those are on the Department of Justice site - See Table 2-7

| Web Site Titles | 2003 - 2004 | 2002 - 2003* | 2001-2002 |
|---|---|---|---|
| OHS Home Page | 31,318 | 31,438 | |
| Publications Pages | 27,491 | 17,649 | |
| Hazard Alerts | 15,834 | 12,087 | |
| Training Pages | 9,869 | 6,627 | |
| Ergonomics Pages | 7,606 | 6,926 | |
| Presentations Pages | 6,586 | 6,178 | |
| About the Division | 5,323 | - | |
| Legislative Framework | 3,043 | - | |
| Young Workers Rescue Program | 2,879 | 3,797 | |
| Selected OHS Links | 2,746 | 2,441 | |
| Staff Listing by Branch/Region | 2,556 | 1,714 | |
| OHS Forms | 2,242 | 1,837 | |
| Have a Question? | 1,927 | 1,439 | |
| Comment on Current Laws and Draft Regulations | 1,740 | 1,367 | |
| Search for a Consultant | 1,676 | 1,472 | |
| Let's Hear From You! | 1,457 | 1,352 | |
| Inspection and Compliance Services - Central Region | 1,447 | 658 | |
| All other Division pages | 109,510 | 75,964 | |
| **Total Page Views for all Division pages** | **235,250** | **172,947** | **60,235** |

* Data prorated based on page views between November 30, 2002 and March 31, 2003.

**Table 2-6**
**Most Common Downloads**

| Web Site Titles | 2003 - 2004 | 2002 - 2003* | 2001-2002 |
|---|---|---|---|
| Publications of various types not listed below | 33,753 | 19,773 | |
| Reference Guide to Occupational Safety General Regulations | 12,606 | 1,945 | |
| Ergonomics sheets | 10,927 | 7,797 | |
| Reference Guide to Fall Protection and Scaffolding Regulations | 5,163 | 2,869 | |
| Applications of various types | 4,365 | 1,954 | |
| Reference Guide to WHMIS Regulations | 3,811 | 1,927 | |
| Forms of various types | 3,731 | 1,903 | |
| Reference Guide to Underground Mining Regulations | 1,816 | - | |
| Reference Guide to General Blasting Regulations | 1,228 | 329 | |
| **Total Downloads for all Division pages** | **77,400** | **38,497** | **23,891** |

* Data prorated based on downloads between November 30, 2002 and March 31, 2003.

**Table 2-7**
**Page Views of Internet Pages Giving Texts of OH&S Laws***
From NS Department of Justice Internet Site

| Web Site Titles | 2003 - 2004 | 2002 - 2003** |
|---|---|---|
| Occupational Safety General Regulations | 8,136 | 6,361 |
| Fall Protection and Scaffolding Regulations | 5,689 | 3,105 |
| WHMIS Regulations | 5,071 | 3,647 |
| OHS First Aid Regulations | 3,653 | 2,504 |
| Occupational Health Regulations | 3,631 | 2,681 |
| General Blasting Regulations | 1,627 | 1,376 |
| Disclosure of Information Regulations | 1,555 | 975 |
| Temporary Workplace Traffic Control Regulations | 1,294 | 775 |
| Occupational Health and Safety Appeal Panel Regulations | 1,208 | 874 |
| Radiation Emitting Devices Regulations | 1,115 | 598 |
| Underground Mining Regulations | 679 | - |
| **Total** | **33,658** | **22,896** |

* Data for 2001/2002 is not available; Data for OH&S Act page views not available as the Act is not on the Department of Justice Internet site.
** Data prorated based on page views between November 30, 2002 and March 31, 2003.

## Appendix Three - Linkages/Partnerships and Memoranda of Understanding

**Table 3-1**
**Linkages and Partnerships**

| Partner Organization | Description |
|---|---|
| Canadian Association of Administrators of Labour Legislation - Occupational Safety and Health Sub-Committee (CAALL-OSH) | Labour matters are generally provincial jurisdiction. The Division, through CAALL-OSH, works to avoid unnecessary duplication and conflicts and to take advantage of synergies. |
| Canadian Standards Association (CSA) | Consensus standards are a valuable source of guidance and information to workplaces. The Division promotes standards development in OH&S fields through development grants to the CSA. Divisional staff also served on technical committees considering a new OH&S management standard and revisions to the existing protective headwear standard. |
| Canadian Centre for Occupational Health and Safety | OHS Division continued to fund the inquiry desk on a per capita basis with the other Canadian jurisdictions to ensure that all employers and employees had access to a no cost information service to answer health and safety inquiries. |
| HRSD | The Division maintains regular contact with HRSD. In addition, HRSD staff provided facilitation support to the Underground Mining Regulations Sub-Committee. |
| North American OS&H Week Committee | North American Occupational Safety and Health Week is a premier event focussing public attention on OH&S. The Division supported North American Occupational Safety and Health Week through a financial contribution to the organizing committee, serving on the organizing committee and arranging for Division representatives at a variety of events. |
| NS Construction Safety Association<br>NS Forestry Safety Society<br>NS Retail Gasoline Dealers' Association<br>NS Trucking Safety Association | Industry-specific training has proven to be a successful way to reduce accident rates in both the construction and forestry industries. In order to encourage this activity in as many sectors as possible, the Division partners with safety associations in the construction, retail gasoline, trucking and forestry industries to deliver training to companies in those industries. |
| NS Department of Agriculture and Fisheries, Nova Scotia Fisheries Sector Council, Aquaculture Association of Nova Scotia | Fishing is an industry with hazards which are specific to their workplaces. To help disseminate relevant safety information to the industry, the Division is working with Agriculture and Fisheries to develop a booklet on fishing safety. |

| Partner Organization | Description |
|---|---|
| NB WHSCC, mining industry | Mine rescue is a very specialized field. To help insure that the personnel in this field are as well-trained as possible, the Division co-sponsored the joint NS/NB Mine Rescue Competition. |
| WCB and Canadian Revenue Agency | The 3 partners held a "Small Business Workshop" to acquaint new and small business with OH&S laws, WCB procedures and Canadian Revenue Agency issues. |
| WCB | In order to teach and encourage safe practices, the Division, in cooperation with the WCB, made presentations to health care and roofing firms around the province stressing safety and how they could improve it. The WCB also participates in the annual safety awards. |
| WSIS | In order to better coordinate the delivery of health and safety services, the WSIS partnership was created. The partnership has created its first strategic plan and the Division is now moving to implement those parts of the plan involving the Division. |

**Table 3-2**
**Memoranda of Understanding**

| Other Parties to the MOU | Purpose of MOU |
|---|---|
| Canada-Nova Scotia Offshore Petroleum Board | Provides for cooperation between the CNSOPB and the Division in the regulation of the offshore petroleum industry. |
| Canadian Centre for Occupational Health and Safety | National occupational health and safety web site - Provides for the maintenance of a national occupational health and safety web site through which users can be linked quickly to information on the Division's web site, as well as all other health and safety agencies in the country. |
| Government of New Brunswick<br>Government of Prince Edward Island<br>Government of Newfoundland & Labrador | Provides that, subject to all applicable legislative requirements, all persons certified by any of the Parties or within the jurisdiction of any of the Parties as persons qualified in any of the categories of Blaster's, Traffic Control Persons or Asbestos Contractors shall be recognized by all of the parties and be permitted to work or act as a duly certified person within the jurisdiction of each of the parties. |
| Health Canada | Provides for the enforcement of the Hazardous Products Act and associated regulations in NS. |
| Natural Resources Canada (CANMET), Alberta, British Columbia and coal mining industry | Underground Coal Mining Safety Research Collaboration - Provides a forum where research needs for safety in the underground coal mining industry can be discussed and appropriate research programs initiated. |
| Natural Resources Canada | Provides for the inspection of explosives magazines licensed under the NS General Blasting Regulations. |
| NB WHSCC, PEI WCB, NF WHSCC | Provides for shared services and personnel to assist in handling specialized skills requirements and peak workloads. |
| NS Department of Natural Resources<br>Environment Monitoring & Compliance Division of Department of Environment and Labour | One Window Committee for Mining: Provides a forum through which mining proponents can deal with all major government agencies at one time. |
| NS Department of Energy, NS Department of Natural Resources<br>Environment Division of Department of Environment and Labour | Clarifies the working relationship between the parties with respect to onshore petroleum exploration and development in the Province and to promote and facilitate consultation, cooperation, and mutual assistance among the parties with respect to such onshore petroleum exploration and development. |
| Service Nova Scotia and Municipal Relations | Two memoranda. Each provides for sharing of specific data from the NS Business Registry database. |
| WCB and HRSD | Provides for coordination of joint efforts. |

## Appendix Four - Committees Upon Which Divisional Personnel Served

American Industrial Hygiene Association - Atlantic Provinces Local Section
Blasters Board of Examiners
Bill-C45 (Criminal Code Amendments) Committee
Canadian Association of Administrators of Labour Legislation
Canadian Chief Mine Inspectors Committee
Christmas Tree Produces Association - Special Event Committee
Coal Miners Board of Examiners
Composites Committee
Hazardous Materials Information Review Commission
Health Canada/Hazardous Products Act-related committees
HRSD/DEL Operational Committee
John T Ryan Safety Award Committee
Joint Training Committee (CAALL-OSH)
NAOSH Planning Committee and its Communications Sub-Committee
Nova Scotia Farm Health and Safety Committee (NS Dept. of Agriculture and Fisheries)
Nova Scotia Forestry Products Association
NS/NB Mine Rescue Committee
Offshore OH&S Accord Act Revisions Committee
OH&S Advisory Council and sub-committees
One Window Committee - Mining
One Window Committee - Department of Energy
Representatives of Atlantic Canada Organizing Committee (RAPP)
Smoke-free Places Act Committee
Temporary Workplace Traffic Control Committee
Underground Coal Mining Safety Research Collaboration

## Appendix Five - Overview of Divisional Operations

**Table 5-1**
**Occupational Health and Safety Division**
**Tracked Activity Numbers (Fiscal Years)**

| Tracked Activity | 03/04 | 02/03 | 01 / 02 | 00 / 01 | 99 / 00 |
|---|---|---|---|---|---|
| Prosecutions Initiated | 45 | 28 | 24 | 14 | 37 |
| Fatalities Investigated | 19 | 9 | 18 | 11 | 14 |
| Work Refusals Investigated | 15 | 8 | 13 | 8 | 18 |
| Appeals of Officer Decisions | 10 | 25 | 23 | 30 | 29 |
| Appeals of Director Decisions | 6 | 8 | 15 | 13 | 10 |
| General Inspections | 1,460 | 1,039 | 1,287 | 1,897 | 1,563 |
| Targeted Inspections | 266 | 641 | 583 | # | # |
| Joint Inspections | 7 | 27 | 27 | 9 | 36 |
| Reinspections | 503 | 455 | 478 | 392 | 258 |
| Complaints Investigated | 805 | 834 | 860 | 775 | 703 |
| Incidents Investigated | 272 | 302 | 325 | 261 | 239 |
| Discriminatory Action Complaints | 41 | 69 | 50 | 35 | 50 |
| Educational Services | 7 | 38 | 93 | 97 | 47 |
| Meetings | 83 | 145 | 231 | 221 | 295 |
| **Total** | **3,539** | **3,628** | **4,027** | **3,763** | **3,299** |

# Inspection targeting was first implemented in 2001/2002. For a firm to be targeted, it must be in a demerit position in the WCB Experience Rating System. For information on this rating system, please see:

- WCB Employer Information Guide - 2004 (http://www.wcb.ns.ca/informationguide.pdf)
- Experience Rating (http://www.wcb.ns.ca/policymanual/943r.html).

**Table 5-2**
**Orders Issued Under The OH&S Act, MMQRA*,**
**Associated Regulations & Codes of Practice**
**Summary Version (Fiscal Years)**

| Category | Number of Orders Issued | | | |
|---|---|---|---|---|
| | 03/04 | 02/03 | 01 / 02 | 00 / 01 |
| **Orders Issued Under the Acts** | | | | |
| Occupational Health and Safety Act | 2,143 | 2,157 | 1,971 | 2,917 |
| Stop Work Orders | 123 | 141 | 137 | 144 |
| Deviations Granted | 24 | 18 | 21 | 17 |
| Codes of Practice Required Under Act | 0 | 9 | 9 | 6 |
| Smoke-free Places Act | | | | |
| Suspensions under the MMQRA* | 1 | 0 | 0 | 10 |
| Approvals under the MMQRA* | 6 | 1 | 10 | 20 |
| **Orders Issued Under the Regulations** | | | | |
| Appeal Panel Regulations | 0 | 0 | 0 | 0 |
| Construction Safety Regulations[$] | 0 | 0 | 0 | 27 |
| Disclosure of Information Regulations | 0 | 0 | 0 | 0 |
| Fall Protection & Scaffolding Regulations | 618 | 604 | 453 | 695 |
| First Aid Regulations | 798 | 787 | 637 | 944 |
| General Blasting Regulations | 15 | 18 | 30 | 40 |
| Industrial Safety Regulations[$] | 0 | 0 | 0 | 209 |
| Occupational Health Regulations | 35 | 27 | 34 | 16 |
| Occupational Safety General Regulations | 2,684 | 2,533 | 2,314 | 3,129 |
| Temporary Workplace Traffic Control Regs. | 7 | 26 | 22 | 33 |
| WHMIS Regulations | 559 | 540 | 394 | 593 |
| Smoke-free Places Regulations | | | | |
| **Orders Issued Under Codes of Practice** | | | | |
| Managing Asbestos in Buildings [+] | 0 | 0 | 4 | 6 |
| Removal of Friable Asbestos [+] | 0 | 0 | 0 | 1 |
| Working with Lead [+] | 0 | 0 | 1 | 0 |
| **TOTAL** | **7,034** | **6,692** | **5,860** | **8,610** |

* "MMQRA" = Metalliferous Mines and Quarries Regulation Act
[$] All sections of these regulations were repealed in 2000/2001.
[+] These are now counted in "Codes of Practice Required Under the Act"

**Table 5-3**
**Orders Issued Under The OH&S Act, Associated Regulations & Codes of Practice**
**Detail Version (Fiscal Years)**

| Law | Number of Orders Issued | | | Percent of All Orders | | |
|---|---|---|---|---|---|---|
| | 03/04 | 02/03 | 01/02 | 03/04 | 02/03 | 01/02 |
| **Occupational Health and Safety Act** | | | | | | |
| Employer duties, precautions (section 13) | 402 | 442 | 375 | 5.7 | 6.6 | 6.4 |
| Employee duties, precautions (section 17) | 1 | 6 | 5 | 0.0 | 0.1 | 0.1 |
| Contractor, Constructor and other duties, precautions (sections 14-16 + 18-20) | 119 | 98 | 65 | 1.7 | 1.5 | 1.1 |
| Policy (section 27) | 295 | 271 | 270 | 4.2 | 4.1 | 4.6 |
| Program (section 28) | 185 | 168 | 226 | 2.6 | 2.5 | 3.9 |
| Joint occupational health and safety committee (sections 29-31) | 155 | 139 | 172 | 2.2 | 2.1 | 2.9 |
| Health and safety representative (section 33) | 228 | 224 | 203 | 3.2 | 3.3 | 3.5 |
| Communication of Information (sections 34-39) | 247 | 388 | 257 | 3.5 | 5.8 | 4.4 |
| Stop Work Orders (sections 51+55(iv) ) | 123 | 141 | 137 | 1.7 | 2.1 | 2.3 |
| Deviations Reviewed (section 83) | 42 | 20 | 21 | 0.6 | 0.3 | 0.4 |
| Codes of Practice Required (section 66) | 44 | 1 | 9 | 0.6 | 0.0 | 0.2 |
| Other sections | 302 | 257 | 231 | 4.3 | 3.8 | 3.9 |
| **Fall Protection and Scaffolding** | | | | | | |
| Fall Protection but not roof work | 312 | 293 | 248 | 4.4 | 4.4 | 4.2 |
| Roof work | 64 | 56 | 32 | 0.9 | 0.8 | 0.5 |
| Scaffolding and Work Platforms | 242 | 252 | 173 | 3.4 | 3.8 | 3.0 |
| **First Aid** | | | | | | |
| General Responsibilities (section 4) | 109 | 125 | 59 | 1.6 | 1.9 | 1.0 |
| Certificates (section 5) | 336 | 450 | 311 | 4.8 | 6.7 | 5.3 |
| Supplies (sections 9 and 10) | 58 | 49 | 41 | 0.8 | 0.7 | 0.7 |

| Law | Number of Orders Issued | | | Percent of All Orders | | |
|---|---|---|---|---|---|---|
| | 03/04 | 02/03 | 01/02 | 03/04 | 02/03 | 01/02 |
| Director's variations (section 13) | 12 | 16 | 7 | 0.2 | 0.2 | 0.1 |
| First aid kits, rooms (sections 14-17) | 239 | 290 | 181 | 3.4 | 4.3 | 3.1 |
| Remote location plans (section 18) | 6 | 8 | 6 | 0.1 | 0.1 | 0.1 |
| Other sections | 38 | 43 | 32 | 0.5 | 0.6 | 0.5 |
| **General Blasting** | 15 | 18 | 30 | 0.2 | 0.3 | 0.5 |
| **Occupational Health** | 35 | 27 | 34 | 0.5 | 0.4 | 0.6 |
| **Occupational Safety General** | | | | | | |
| Personal protective equipment (sections 9 to 14) | 272 | 251 | 221 | 3.9 | 3.8 | 3.8 |
| Ventilation, Lighting, Sanitation, Accommodation (sections 15 to 25) | 604 | 497 | 391 | 8.6 | 7.4 | 6.7 |
| Handling, storage of material (sections 26 to 50) | 227 | 187 | 152 | 3.2 | 2.8 | 2.6 |
| Lock-out (sections 51 to 54) | 47 | 62 | 63 | 0.7 | 0.9 | 1.1 |
| Hoists, mobile equipment (sections 55 to 83) | 427 | 427 | 513 | 6.1 | 6.4 | 8.8 |
| Mechanical safety (sections 84 to 103) | 265 | 321 | 267 | 3.8 | 4.8 | 4.6 |
| Tools (sections 104 to 108) | 12 | 11 | 11 | 0.2 | 0.2 | 0.2 |
| Welding, cutting, burning, soldering (sections 109 to 119) | 70 | 117 | 88 | 1.0 | 1.7 | 1.5 |
| Electrical safety (sections 120 to 128) | 276 | 222 | 203 | 3.9 | 3.3 | 3.5 |
| Confined space entry (sections 129 to 137) | 14 | 20 | 24 | 0.2 | 0.3 | 0.4 |
| Premises and Building Safety, Construction and Demolition (sections 138 to 165) | 396 | 343 | 286 | 5.6 | 5.1 | 4.9 |
| Excavations and trenches (sections 166 to 173) | 42 | 13 | 49 | 0.6 | 0.2 | 0.8 |
| Surface mine workings (sections 174 to 189) | 26 | 29 | 28 | 0.4 | 0.4 | 0.5 |
| Equipment for firefighters (sections 190 to 203) | 0 | 3 | 0 | 0.0 | 0.0 | 0.0 |
| Other parts | 6 | 13 | 18 | 0.1 | 0.2 | 0.3 |

| Law | Number of Orders Issued | | | Percent of All Orders | | |
|---|---|---|---|---|---|---|
| | 03/04 | 02/03 | 01/02 | 03/04 | 02/03 | 01/02 |
| **Temporary Workplace Traffic Control** | 7 | 28 | 22 | 0.1 | 0.4 | 0.4 |
| **Underground Mining Regulations** | 128 | - | - | 1.8 | - | - |
| **WHMIS** | | | | | | |
| Prohibition (section 3) | 61 | 67 | 47 | 0.9 | 1.0 | 0.8 |
| Employee education (sections 4 and 5) | 196 | 209 | 173 | 2.8 | 3.1 | 3.0 |
| Labels (sections 6 to 11) | 48 | 27 | 23 | 0.7 | 0.4 | 0.4 |
| Material safety data sheets (sections 12 to 14) | 252 | 238 | 150 | 3.6 | 3.6 | 2.6 |
| Other parts | 2 | 0 | 1 | 0.0 | 0.0 | 0.0 |
| **Managing Asbestos in Buildings (COP)** | 0 | 0 | 4 | 0.0 | 0.0 | 0.1 |
| **Removal of Friable Asbestos (COP)** | 0 | 0 | 0 | 0.0 | 0.0 | 0.0 |
| **Working with Lead (COP)** | 0 | 0 | 1 | 0.0 | 0.0 | 0.0 |

**Table 5-4**
**Percentage of Top 5 Pertinent Laws Referenced In Complaints on the Contact Tracking System (January 1st to March 31st, 2004)**

| Top 5 Pertinent Laws (Complaints) | 2003/2004 |
|---|---|
| Occupational Health & Safety Act | 38.81 |
| Occupational Safety General Regulations | 22.89 |
| Fall Protection and Scaffolding Regulations | 15.42 |
| Occupational Health Regulations | 5.47 |
| Workplace Hazardous Materials Information Systems Regulations (WHMIS) | 3.98 |
| All other laws | 13.43 |

*Please note that although there were 224 Complaints recorded on the Contact Tracking System, there were only 201 for which a Pertinent Law was given.

**Table 5-5**
**Prosecutions Initiated by Industry Type (Fiscal Years)**

| Industry | Prosecutions Initiated | | | | |
|---|---|---|---|---|---|
| | 03/04 | 02/03 | 01 / 02 | 00 / 01 | 99 / 00 |
| Accommodation, Food, and Beverage | 0 | 1 | 0 | 1 | 0 |
| Agricultural and Related Services | 0 | 3 | 0 | 0 | 0 |
| Business Services | 1 | 0 | 0 | 0 | 1 |
| Communications | 0 | 2 | 0 | 0 | 0 |
| Construction | 29 | 9 | 10 | 6 | 17 |
| Education Services | 1 | 0 | 0 | 0 | 0 |
| Finance and Insurance | 0 | 0 | 0 | 0 | 2 |
| Fishing and Trapping | 4 | 2 | 1 | 0 | 1 |
| Government Services | 1 | 2 | 2 | 1 | 2 |
| Health and Social Services | 0 | 0 | 0 | 0 | 0 |
| Logging and Forestry | 0 | 0 | 0 | 0 | 0 |
| Manufacturing | 5 | 6 | 5 | 1 | 8 |
| Mining, Quarrying, and Oil | 0 | 1 | 0 | 0 | 3 |
| Other Services | 1 | 0 | 0 | 0 | 0 |
| Real Estate / Insurance | 0 | 1 | 0 | 0 | 0 |
| Retail Trade | 1 | 0 | 0 | 1 | 1 |
| Transportation and Storage Industries | 0 | 0 | 4 | 1 | 0 |
| Wholesale Trade | 2 | 1 | 0 | 0 | 2 |

**Table 5-6**
**Decisions on Prosecution Charges**

| Parameter | Fiscal Year Charges Decided | | | | |
|---|---|---|---|---|---|
| | 03/04 | 02/03 | 01 / 02 | 00 / 01 | 99 / 00 |
| Decided charges - Guilty | 48 | 19 | 18 | 25 | 16 |
| Decided charges - Not guilty | 6 | 4 | 0 | 4 | 0 |
| Dismissed | 17 | 25 | 10 | 3 | 0 |
| Withdrawn | 41 | 31 | 34 | 40 | 44 |
| Stayed | 0 | 0 | 0 | 4 | 3 |
| Quashed | 0 | 0 | 4 | 2 | 0 |
| Total Charges | 112 | 79 | 66 | 78 | 63 |

There were 36 prosecutions decided in fiscal year 2003-2004
Legend: ISR - Industrial Safety Regulations; FPSR - Fall Protection and Scaffolding Regulations; OSGR - Occupational Safety General Regulations; OHSA - Occupational Health and Safety Act, TWTCR - Temporary Workplace Traffic Control Regulations.

The results for the prosecutions decided in 2003/2004 are as follows:

| ACCUSED | DECISION DATE | DISPOSITION | TOTAL PENALTY |
|---|---|---|---|
| David Owen Shay | June 20 2003 | 1. Not guilty, OHSA 17(1)(a) & OHSA 74(1)(a)<br>2. Guilty, OHSA 17(1)(a) & OHSA 74(1)(a)<br>3. Not guilty, OHSA 17(1)(a) & OHSA 74(1)(a)<br>4. Guilty, OHSA 17(1)(a) & OHSA 74(1)(a) | $200 |
| Amherst Fabricators Ltd., a Division of the Cherubini Group | May 1, 2003 | 1. Dismissed, OHSA 13(1)(a) & OHSA 74<br>2. Dismissed, OHSA 13(1)(c) & OHSA 74<br>3. Dismissed, OSGR 26 & OHSA 74<br>4. Dismissed, OSGR 56 & OHSA 74<br>5. Dismissed, OSGR 80(5) & OHSA 74 | |
| Dexter Construction Co. Ltd. | August 12, 2003 | 1. Guilty, OSGR 168(a) & OHSA<br>2. Guilty, OSGR 169(4) & OHSA | $10,000 |
| Atlantic Guardrail Construction Ltd. | June 9, 2003 | 1. Guilty, OSGR 168(a) & OHSA<br>2. Dismissed, OSGR 169(4) & OHSA | $5,750 |
| Barton Recyclers Ltd., Preston Andrews | December 18, 2003 | 1. Guilty, OHSA 27(1)(a) & OHSA 74(1)(b)(i)<br>2. Guilty, OHSA 55(4)(b) & OHSA 74(1)(b)(i)<br>3. Dismissed, OHSA 57(1) & OHSA 74(1)(b)(i)<br>4. Guilty, OSGR 87(8) & OHSA 74(1)(a)<br>5. Dismissed, OSGR 19(6)(e) & OHSA 74(1)(a)<br>6. Dismissed, OHSA 56(1) & OHSA 74(1)(a)<br>7. Dismissed, OHSA 56(1) & OHSA 74(1)(a) | $1,300 |
| Kevin Nelson | April 2, 2003 | 1. Guilty, OHSA 15(a) & OHSA 74<br>2. Withdrawn, OSGR 126(4) & OHSA 74 | $1,725 |
| Hugh J. Macgillivray operating under the name and style of H. & J. Construction Ltd. | September 4, 2003 | 1. Withdrawn, OHSA 15(a) & OHSA 74(1)(a)<br>2. Guilty, OSGR Paragraph 126(2) & OHSA 74(1)(a) | $1,510 |
| Marinus Verhagen operating under the name and style of Marinus Verhagen | September 4, 2003 | 1. Guilty, OHSA 13(1)(c) & OHSA 74(1)(a)<br>2. Withdrawn, OSGR 126, Paragraph 57(1)(d) & OHSA 74(1)(a) | $1,510 |

| ACCUSED | DECISION DATE | DISPOSITION | TOTAL PENALTY |
|---|---|---|---|
| Enterprises Ltd. | | | |
| Dexter Contruction Company Ltd. | September 23, 2003 | 1. Not guilty, OHSA 13(1)(a) & OHSA 74(1)(a)<br>2. Not guilty, OSGR 126(4) & OHSA 13(2)(d) & OHSA 74(1)(a)<br>3. Not guilty, OSGR 57(1) & (2) & OHSA 13(2)(d) & OHSA 74(1)(a)<br>4. Not guilty, OHSA 13(1)(c) & OHSA 74(1)(a) | |
| Cameron Publications Ltd. | June 24, 2003 | 1. Guilty, OHSA 13(1)(c) & OHSA 74(1)(a)<br>2. Withdrawn, OHSA 13(1)(e) & OHSA 74(1)(a)<br>3. Withdrawn, OHSA 13(1)(f) & OHSA 74(1)(a)<br>4. Withdrawn, OSGR 52(1)(b)(i) & OHSA 74(1)(a)<br>5. Guilty, OSGR 84(1) & OHSA 74(1)(a)<br>6. Withdrawn, OSGR 52(1A) & OHSA 74(1)(a) | $5,950 |
| Her Majesty the Queen in the Right of the Province of Nova Scotia as represented by the Minister of Transportation and Public Works | July 17, 2003 | 1. Withdrawn, OHSA 13(1)(a) & OHSA 74(1)(a)<br>2. Withdrawn, OHSA 74(1)(b)(i)<br>3. Guilty, OHSA 66 & OHSA 74(1)(b)(ii)<br>4. Withdrawn, TWTCR 6 & OHSA 74(1)(a) | $22,500 (initial trial fine) $45,000 (fine imposed by Court of Appeal) |
| Manomet Bay (Canada) Inc. (MVC Fisheries Group Inc.) - new name | March 30, 2004 | 1. Dismissed, OHSA 13(1)(c) & OHSA 74(1)<br>2. Guilty, OSGR 56(a) & OHSA 74(1) | $4,000 |
| Tom Jewers | August 5, 2003 | 1. Guilty, OHSA 56(1) & OHSA 74(1)(a)<br>2. Guilty, OHSA 57(1) & OHSA 74(1)(a) | $500 |
| Julia Jewers | August 5, 2003 | 1. Guilty, OHSA 56(1) & OHSA 74(1)(a)<br>2. Guilty, OHSA 57(1) & OHSA 74(1)(a) | $500 |
| Sidelines Lounge Ltd. and Ronald Mercier | June 18, 2003 | 1. Guilty, OHSA 74(1)(b)(i)<br>2. Withdrawn, OHSA 77 & OHSA 74(1)(a) | $2,500 |
| Joey Isenor operating under the name and style of Roofmasters | November 28, 2003 | 1. Guilty, FPSR 17(3) & OHSA 74(1)(a) | $2,000 |
| Daniel Magee | October 28, 2003 | 1. Guilty, FPSR 9(1)(b)(ii) & FPSR 9(6) & OHSA 171)(a) & OHSA 74(1)(a) | $8,050 |
| Charlie MacIntyre Contracting | October 28, 2003 | 1. Guilty, FPSR 9(1)(b)(ii) or FPSR 9(6) & OSHA 15(d) & OHSA 74(1)(a) | $28,000 |
| Bernard Pettipas, carrying out business in the name and style of Two Feathers Home Builders | October 20, 2003 | 1. Guilty, OHSA 15(e) & OHSA 74(1)(a)<br>2. Dismissed, OSGR 151(1)(b) & OHSA 741)(a)<br>3. Dismissed, OSGR 151(1)(c)(i) & OHSA 741)(a) | $500 |
| Jason York, Self Employed Roofer | May 28, 2003 | 1. Guilty, FPSR 17(3) & OHSA 74(1)(a)<br>2. Withdrawn, FPSR 17(4) & OHSA 74(1)(a)<br>3. Withdrawn, FPSR 19(a)(i) & OHSA 74(1)(a)<br>4. Withdrawn, FPSR 20(1)(b) & OHSA 74(1)(a) | $500 |
| Austin Contracting Limited | May 28, 2003 | 1. Guilty, OHSA 15(e) & OHSA 74(1)(a)<br>2. Guilty, OHSA 15(e) & OHSA 74(1)(a)<br>3. Guilty, OHSA 15(e) & OHSA 74(1)(a) | $4,000 |
| Scotsburn Dairy Group | August 26, 2003 | 1. Withdrawn, OHSA 13(1)(a) & OHSA 74(1)(a)<br>2. Guilty, OHSA 13(1)(b) & OHSA 74(1)(a)<br>3. Withdrawn, OHSA 13(1)(c) & OHSA 74(1)(a) | $8,400 |

| ACCUSED | DECISION DATE | DISPOSITION | TOTAL PENALTY |
|---|---|---|---|
| | | 4. Withdrawn, OSGR 52(1)(b) & OHSA 74(1)(a)<br>5. Withdrawn, OSGR 84(1) & OHSA 74(1)(a) | |
| Bryan Neaves | August 26, 2003 | 1. Guilty, OHSA 17(1)(c) & OHSA 74(1)(a) | $1,100 |
| Robert Best | August 26, 2003 | 1. Withdrawn, OSGR 87(5)(c) & OHSA 74(1)(a) | |
| Michelin North America (Canada) Incorporated | November 14, 2003 | 1. Withdrawn, OHSA 14(c) & OHSA 74(1)(a)<br>2. Withdrawn, OSGR 87(2) &0 OHSA 74(1) | |
| ADI Limited | October 6, 2003 | 1. Guilty, OHSA 20(b) & OHSA 74(1)(a) | $5,000 |
| Four Seasons Roofing Ltd. | August 13, 2003 | 1. Guilty, FPSR 7 (1) & OHSA 13 (2)(d) and 74 (1)(a)<br>2. Withdrawn, FPSR 17 (5) & OHSA 13 (2)(d) and 74 (1)(a)<br>3. Withdrawn, FPSR 18 (3) & OHSA 13 (2)(d) and 74 (1)(a)<br>4. Withdrawn, OSGR 151 (2)(c) & OHSA 13 (2)(d) and 74 | $1,725 |
| John Dowding | August 13, 2003 | 1. Guilty, FPSR 7(1) & OHSA 17(1)(a) & OHSA 74(1)(a) | $575 |
| LINDOR INC. | September 12, 2003 | 1. Guilty, OHSA 56(1) & OHSA 74(1)(a)<br>2. Guilty, FAR 5(3)(a) & OHSA 74(1)(a)<br>3. Withdrawn, FAR 10(c) & OHSA 74(1)(a) | $1,391 |
| Joey Isenor operating under the name and style of Roofmasters | November 17, 2003 - Disposition November 28, 2003 - Sentencing | 1. Guilty, FPSR 7 (1) & OHSA 18 (d) & OHSA 74 (1) (a)<br>2. Guilty, FPSR 17 (3) & OHSA 18 (d) & OHSA 74 (1) (a) | $6,900 |
| Ramar Construction | October 23, 2003 | 1. Withdrawn, FPSR 7(1) & OHSA 74 (1) (a)<br>2. Withdrawn, FPSR 17 (3) & OHSA 15 (d) & OHSA 74 (1) (a)<br>3. Guilty, OHSA 74 (1) (a) & FPSR 17<br>4. Withdrawn, OHSA 74 (1) (a) | $6,950 |
| John Dowling | August 13, 2003 | 1. Guilty, FPSR 7 (1) & OHSA 13 (2)(d) and 74 (1)(a)<br>2. Withdrawn, FPSR 17 (5) & OHSA 13 (2)(d) and 74 (1)(a)<br>3. Withdrawn, FPSR 18 (3) & OHSA 13 (2)(d) and 74 (1)(a)<br>4. Withdrawn, OGSR 151 (2)(c) & OHSA 13 (2)(d) and 74 | $575 |
| Trevor Robert Harvie | January 21, 2004 | 1. Guilty, OHSA 17 (1) (a) & OHSA 74(1) (a)<br>2. Withdrawn, OHSA 17 (1) (c) & OHSA 84 (1) (a) | $575 |
| Alon & Co. Contracting Inc. (Nelson Tasco) | February 5, 2004 | 1. Guilty, FAR 5(3)(a) & OHSA 74(1)(b)<br>2. Dismissed, FAR 15(1) & OHSA 74(1)(b)<br>3. Guilty, OHSA 56(1) & OHSA 74(1)<br>4. Dismissed, OHSA 56(1) & 74 (1) | $750 |
| Heritage Construction Management | February 24, 2004 | 2. Guilty, OSGR 140(1) & OHSA 15(1)(d) & 74 (1)(a)<br>3. Guilty, OSGR 142(3)(a) & OHSA 15(1)(d) & 74 (1)(a)<br>5. Guilty, FPSR 7(1) & OHSA 15(1)(d) & 74 (1)(a) | $5,000 |

| ACCUSED | DECISION DATE | DISPOSITION | TOTAL PENALTY |
|---|---|---|---|
| | | 7. Guilty, FPSR 9(1) & OHSA 15(1)(d) & 74 (1)(a)<br>8. Guilty, OHSA 56(1) & OHSA 74(1) | |
| Calvin Douglas Matthews | March 29, 200 | 1. Guilty, OHSA 74(1)(a) 1. Dismissed, OSGR 4(1) & 166(1) | $2,450 |

**Table 5-7**
**Percentage of Activities by Industry Type (Fiscal Years)**

| Industry | SIC Range | 03 / 04 | 02 / 03 | 01 / 02 | 00 / 01 | 99 / 00 |
|---|---|---|---|---|---|---|
| Accommodation, Food, and Beverage | 9000-9599 | 5.2 | 6.5 | 7.5 | 3.3 | 2.2 |
| Agricultural and Related Services | 0000-0299 | 2.1 | 2.3 | 1.9 | 2.1 | 1.7 |
| Business Services | 7700-7999 | 1.8 | 1.2 | 1.9 | 1.6 | 0.9 |
| Communications | 4800-4999 | 1.0 | 1.2 | 1.2 | 1.7 | 1.9 |
| Construction | 4000-4499 | 26.5 | 32.0 | 28.2 | 28.6 | 36.6 |
| Education Services | 8500-8599 | 1.2 | 1.2 | 1.5 | 1.3 | 1.6 |
| Finance and Insurance | 7000-7499 | 0.2 | 0.6 | 0.3 | 0.1 | 0.3 |
| Fishing and Trapping | 0300-0399 | 1.2 | 1.2 | 0.8 | 0.6 | 1.3 |
| Government Services | 8000-8499 | 6.1 | 6.7 | 11.7 | 11.6 | 6.2 |
| Health and Social Services | 8600-8999 | 3.9 | 3.3 | 4.5 | 3.6 | 5.0 |
| Logging and Forestry | 0400-0599 | 1.3 | 1.7 | 2.0 | 1.9 | 1.9 |
| Manufacturing | 1000-3999 | 14.5 | 14.6 | 16.9 | 12.9 | 16.9 |
| Mining, Quarrying, and Oil | 0600-0999 | 3.0 | 2.5 | 2.4 | 2.7 | 2.8 |
| Other Services | 9600-9999 | 5.4 | 4.7 | 3.9 | 3.9 | 4.0 |
| Real Estate / Insurance | 7500-7699 | 1.1 | 0.9 | 0.3 | 0.8 | 0.6 |
| Retail Trade | 6000-6999 | 14.4 | 12.6 | 9.2 | 16.2 | 8.9 |
| Transportation and Storage Industries | 4500-4799 | 1.8 | 2.5 | 2.0 | 1.7 | 2.1 |
| Wholesale Trade | 5000-5999 | 5.6 | 4.2 | 3.7 | 5.4 | 5.3 |

**Table 5-8**

**Percentage of Complaints Recorded on the Contact Tracking System by Industry Type**

| Industry | SIC Range | 2003 / 2004 | |
|---|---|---|---|
| | | % of all Complaints Received | % of Complaints where the SIC was Determined |
| Accommodation, Food, and Beverage | 9000-9599 | 3.9 | 4.7 |
| Agricultural and Related Services | 0000-0299 | 1.3 | 1.6 |
| Business Services | 7700-7999 | 3.3 | 3.9 |
| Communications | 4800-4999 | 0.0 | 0.0 |
| Construction | 4000-4499 | 26.6 | 32.3 |
| Education Services | 8500-8599 | 4.6 | 5.5 |
| Finance and Insurance | 7000-7499 | 0.0 | 0.0 |
| Fishing and Trapping | 0300-0399 | 3.3 | 3.9 |
| Government Services | 8000-8499 | 3.9 | 4.7 |
| Health and Social Services | 8600-8999 | 2.0 | 2.4 |
| Logging and Forestry | 0400-0599 | 1.3 | 1.6 |
| Manufacturing | 1000-3999 | 9.1 | 11.0 |
| Mining, Quarrying, and Oil | 0600-0999 | 1.3 | 1.6 |
| Other Services | 9600-9999 | 9.1 | 11.0 |
| Real Estate / Insurance | 7500-7699 | 0.0 | 0.0 |
| Retail Trade | 6000-6999 | 7.8 | 9.4 |
| Transportation and Storage Industries | 4500-4799 | 3.9 | 4.7 |
| Wholesale Trade | 5000-5999 | 1.3 | 1.6 |
| Unknown * | - | 17.5 | - |

Data from January 1, 2004 to March 31, 2004.
Note that although there were 224 Complaints recorded on the Contact Tracking System, there were only 154 for which an SIC was determined.
* On the Contact Tracking System, there is an option for the recorder to select Unknown if unsure of the Industry Type.

**Table 5-9**
**Percentage of Targeted Firms by Industry Type**
**and**
**Percentage of Inspections Coded as "Targeted" by Industry Type* (Fiscal Years)**

| Industry | SIC Range | 03 / 04 | | 02 / 03 |
|---|---|---|---|---|
| | | % of Targeted Firms | % of Targeted Inspections | % of Targeted Inspections |
| Accommodation, Food, and Beverage | 9000-9599 | 8.5 | 8.6 | 7.5 |
| Agricultural and Related Services | 0000-0299 | 2.3 | 4.1 | 3.3 |
| Business Services | 7700-7999 | 1.5 | 0.8 | 0.6 |
| Communications | 4800-4999 | 1.5 | 0.4 | 0.9 |
| Construction | 4000-4499 | 23.4 | 17.3 | 30.0 |
| Education Services | 8500-8599 | 0.5 | 0.0 | 0.0 |
| Finance and Insurance | 7000-7499 | 0.0 | 0.4 | 0.2 |
| Fishing and Trapping | 0300-0399 | 2.8 | 1.1 | 1.6 |
| Government Services | 8000-8499 | 2.8 | 3.8 | 3.0 |
| Health and Social Services | 8600-8999 | 4.1 | 6.8 | 23.0 |
| Logging and Forestry | 0400-0599 | 5.0 | 3.8 | 4.4 |
| Manufacturing | 1000-3999 | 12.4 | 16.5 | 16.5 |
| Mining, Quarrying, and Oil | 0600-0999 | 0.8 | 0.8 | 0.6 |
| Other Services | 9600-9999 | 5.3 | 2.6 | 3.9 |
| Real Estate / Insurance | 7500-7699 | 1.5 | 0.4 | 0.5 |
| Retail Trade | 6000-6999 | 13.8 | 18.8 | 14.2 |
| Transportation and Storage Industries | 4500-4799 | 5.7 | 3.0 | 5.6 |
| Wholesale Trade | 5000-5999 | 8.1 | 8.6 | 4.4 |

*For a firm to be targeted in 2003/2004, it must have been registered with the WCB and be in a demerit position based upon the WCB Experience Rating System. For information on this rating system, please see:
- WCB Employer Information Guide - 2004 (http://www.wcb.ns.ca/informationguide.pdf)
- Experience Rating (http://www.wcb.ns.ca/policymanual/943r.html).

**Table 5-10**
**Percentage of Orders by Industry Type (Fiscal Years)**

| Industry | SIC Range | 03 / 04 | 02 / 03 | 01 / 02 | 00 / 01 | 99 / 00 |
|---|---|---|---|---|---|---|
| Accommodation, Food, and Beverage | 9000-9599 | 5.7 | 9.5 | 13.6 | 4.5 | 3.4 |
| Agricultural and Related Services | 0000-0299 | 2.8 | 1.6 | 0.9 | 1.0 | 0.9 |
| Business Services | 7700-7999 | 1.2 | 0.9 | 1.0 | 0.5 | 0.5 |
| Communications | 4800-4999 | 0.7 | 1.1 | 0.7 | 0.9 | 1.1 |
| Construction | 4000-4499 | 24.2 | 26.2 | 22.9 | 23.5 | 32.5 |
| Education Services | 8500-8599 | 0.8 | 0.5 | 0.6 | 1.9 | 1.0 |
| Finance and Insurance | 7000-7499 | 0.0 | 0.3 | 0.0 | 0.1 | 0.1 |
| Fishing and Trapping | 0300-0399 | 0.8 | 0.6 | 0.4 | 0.4 | 1.3 |
| Government Services | 8000-8499 | 3.5 | 4.2 | 3.2 | 2.8 | 2.9 |
| Health and Social Services | 8600-8999 | 2.7 | 2.2 | 2.1 | 2.2 | 3.1 |
| Logging and Forestry | 0400-0599 | 0.9 | 0.5 | 1.3 | 1.1 | 0.9 |
| Manufacturing | 1000-3999 | 16.6 | 16.6 | 25.0 | 15.2 | 19.2 |
| Mining, Quarrying, and Oil | 0600-0999 | 3.7 | 1.2 | 2.7 | 2.4 | 1.3 |
| Other Services | 9600-9999 | 4.8 | 6.0 | 4.8 | 5.3 | 3.4 |
| Real Estate / Insurance | 7500-7699 | 1.4 | 1.1 | 0.1 | 0.4 | 0.4 |
| Retail Trade | 6000-6999 | 17.4 | 19.3 | 14.5 | 27.3 | 16.9 |
| Transportation and Storage Industries | 4500-4799 | 2.1 | 1.5 | 1.8 | 1.4 | 1.8 |
| Wholesale Trade | 5000-5999 | 7.1 | 6.5 | 4.4 | 9.2 | 9.2 |

**Table 5-11**
**Distribution of Complaint Inspections by Industry Type (Fiscal Years)**

| Industry | SIC Range | 03 / 04 | 02 / 03 | 01 / 02 | 00 / 01 | 99 / 00 |
|---|---|---|---|---|---|---|
| Accommodation, Food, and Beverage | 9000-9599 | 4.8 | 4.1 | 2.3 | 3.9 | 1.9 |
| Agricultural and Related Services | 0000-0299 | 1.1 | 2.0 | 1.4 | 0.8 | 1.1 |
| Business Services | 7700-7999 | 2.9 | 2.4 | 1.2 | 2.1 | 0.5 |
| Communications | 4800-4999 | 1.1 | 1.7 | 0.8 | 1.9 | 1.1 |
| Construction | 4000-4499 | 40.0 | 43.3 | 43.7 | 40.1 | 41.0 |
| Education Services | 8500-8599 | 1.2 | 2.2 | 1.4 | 1.9 | 2.0 |
| Finance and Insurance | 7000-7499 | 0.0 | 1.2 | 0.7 | 0.3 | 0.4 |
| Fishing and Trapping | 0300-0399 | 1.1 | 1.0 | 0.8 | 0.8 | 1.2 |
| Government Services | 8000-8499 | 6.7 | 6.0 | 6.7 | 6.2 | 7.2 |
| Health and Social Services | 8600-8999 | 3.5 | 3.2 | 4.6 | 5.2 | 5.5 |
| Logging and Forestry | 0400-0599 | 0.5 | 0.7 | 1.0 | 0.8 | 1.2 |
| Manufacturing | 1000-3999 | 11.6 | 11.3 | 13.8 | 11.5 | 15.6 |
| Mining, Quarrying, and Oil | 0600-0999 | 0.6 | 1.0 | 1.5 | 1.6 | 1.2 |
| Other Services | 9600-9999 | 6.3 | 5.6 | 6.0 | 5.7 | 4.8 |
| Real Estate / Insurance | 7500-7699 | 2.9 | 1.9 | 0.7 | 1.3 | 1.4 |
| Retail Trade | 6000-6999 | 7.0 | 6.2 | 7.3 | 8.3 | 7.7 |
| Transportation and Storage Industries | 4500-4799 | 1.6 | 2.2 | 2.4 | 2.9 | 1.6 |
| Wholesale Trade | 5000-5999 | 4.1 | 4.1 | 3.7 | 4.8 | 4.5 |

**Table 5-12**
**Percentage of WCB Time-Loss Claims by Industry Sector (Calendar Years)**

| Industry | SIC Range | 2003 | 2002 | 2001 | 2000 | 1999 |
|---|---|---|---|---|---|---|
| Accommodation, Food, and Beverage | 9000-9599 | 7.8 | 7.3 | 7.3 | 7.9 | 6.8 |
| Agricultural and Related Services | 0000-0299 | 0.7 | 0.7 | 0.9 | 0.9 | 1.1 |
| Business Services | 7700-7999 | # | 1.8 | 1.4 | 1.3 | 0.9 |
| Communications | 4800-4999 | 3.8 | 3.6 | 3.8 | 3.5 | 3.6 |
| Construction | 4000-4499 | 9.0 | 8.7 | 9.0 | 9.1 | 9.5 |
| Education Services | 8500-8599 | # | # | # | # | # |
| Finance and Insurance | 7000-7499 | # | # | # | # | # |
| Fishing and Trapping | 0300-0399 | 2.9 | 2.8 | 2.9 | 2.5 | 2.0 |
| Government Services | 8000-8499 | 9.5 | 8.0 | 7.9 | 6.9 | 7.8 |
| Health and Social Services | 8600-8999 | 17.4 | 16.8 | 15.9 | 15.8 | 17.0 |
| Logging and Forestry | 0400-0599 | 1.0 | 1.1 | 1.1 | 1.2 | 1.6 |
| Manufacturing | 1000-3999 | 20.4 | 22.9 | 22.9 | 23.7 | 22.9 |
| Mining, Quarrying, and Oil | 0600-0999 | 0.4 | 0.5 | 1.3 | 1.5 | 2.5 |
| Other Services | 9600-9999 | 4.1 | 3.9 | 4.0 | 3.0 | 3.0 |
| Real Estate / Insurance | 7500-7699 | # | # | # | # | # |
| Retail Trade | 6000-6999 | 10.6 | 10.4 | 10.3 | 10.5 | 10.0 |
| Transportation and Storage Industries | 4500-4799 | 6.1 | 6.0 | 5.9 | 6.2 | 5.5 |
| Wholesale Trade | 5000-5999 | 6.1 | 5.5 | 5.4 | 5.1 | 4.9 |

# Industry group not reported separately by WCB.

**Table 5-13**
**Ratio of % of Orders to % of Activity by Industry Sector (+) (Fiscal Years)**

| Industry | SIC Range | 03 / 04 | 02 / 03 | 01 / 02 | 00 / 01 | 99 / 00 |
|---|---|---|---|---|---|---|
| Accommodation, Food, and Beverage | 9000-9599 | 1.1 | 1.5 | 1.8 | 1.4 | 1.5 |
| Agricultural and Related Services | 0000-0299 | 1.3 | 0.7 | 0.5 | 0.5 | 0.5 |
| Business Services | 7700-7999 | 0.7 | 0.8 | 0.5 | 0.3 | 0.6 |
| Communications | 4800-4999 | 0.7 | 0.9 | 0.6 | 0.5 | 0.6 |
| Construction | 4000-4499 | 0.9 | 0.8 | 0.8 | 0.8 | 0.9 |
| Education Services | 8500-8599 | 0.7 | 0.4 | 0.4 | 1.5 | 0.6 |
| Finance and Insurance | 7000-7499 | 0.0 | 0.5 | 0.0 | 1.0 | 0.3 |
| Fishing and Trapping | 0300-0399 | 0.7 | 0.5 | 0.5 | 0.7 | 1.0 |
| Government Services | 8000-8499 | 0.6 | 0.6 | 0.3 | 0.2 | 0.5 |
| Health and Social Services | 8600-8999 | 0.7 | 0.7 | 0.5 | 0.6 | 0.6 |
| Logging and Forestry | 0400-0599 | 0.7 | 0.3 | 0.7 | 0.6 | 0.5 |
| Manufacturing | 1000-3999 | 1.1 | 1.1 | 1.5 | 1.2 | 1.1 |
| Mining, Quarrying, and Oil | 0600-0999 | 1.2 | 0.5 | 1.1 | 0.9 | 0.5 |
| Other Services | 9600-9999 | 0.9 | 1.3 | 1.2 | 1.4 | 0.9 |
| Real Estate / Insurance | 7500-7699 | 1.3 | 1.2 | 0.3 | 0.5 | 0.7 |
| Retail Trade | 6000-6999 | 1.2 | 1.5 | 1.6 | 1.7 | 1.9 |
| Transportation and Storage Industries | 4500-4799 | 1.2 | 0.6 | 0.9 | 0.8 | 0.9 |
| Wholesale Trade | 5000-5999 | 1.3 | 1.5 | 1.2 | 1.7 | 1.7 |

+ A value of 1.0 would indicate an "average" number of orders were issued per activity in a particular industry sector. Values above 1 suggest that, on average, more orders were issued per activity in this sector; values below 1 suggest that, on average, fewer orders were issued per activity in this sector.

**Table 5-14**
**Ratio of % of WCB Time-Loss Claims to % of Activities by Industry Sector (+)**
**(Calendar Years)**

| Industry | SIC Range | 2003 | 2002 | 2001 | 2000 | 1999 |
|---|---|---|---|---|---|---|
| Accommodation, Food, and Beverage | 9000-9599 | 1.2 | 1.0 | 1.2 | 2.9 | 3.4 |
| Agricultural and Related Services | 0000-0299 | 0.3 | 0.3 | 0.4 | 0.5 | 0.7 |
| Business Services | 7700-7999 | # | 1.3 | 0.8 | 0.9 | 1.0 |
| Communications | 4800-4999 | 4.2 | 3.3 | 2.5 | 1.8 | 2.0 |
| Construction | 4000-4499 | 0.3 | 0.3 | 0.3 | 0.3 | 0.2 |
| Education Services | 8500-8599 | # | # | # | # | # |
| Finance and Insurance | 7000-7499 | # | # | # | # | # |
| Fishing and Trapping | 0300-0399 | 2.4 | 2.5 | 3.6 | 3.1 | 1.7 |
| Government Services | 8000-8499 | 1.5 | 0.9 | 0.7 | 0.7 | 1.1 |
| Health and Social Services | 8600-8999 | 4.4 | 5.1 | 3.4 | 3.6 | 4.6 |
| Logging and Forestry | 0400-0599 | 0.8 | 0.6 | 0.6 | 0.5 | 0.8 |
| Manufacturing | 1000-3999 | 1.5 | 1.4 | 1.5 | 1.7 | 1.4 |
| Mining, Quarrying, and Oil | 0600-0999 | 0.1 | 0.2 | 0.5 | 0.5 | 0.8 |
| Other Services | 9600-9999 | 0.7 | 1.0 | 1.0 | 0.8 | 0.8 |
| Real Estate / Insurance | 7500-7699 | # | # | # | # | # |
| Retail Trade | 6000-6999 | 0.8 | 0.9 | 0.9 | 0.7 | 1.3 |
| Transportation and Storage Industries | 4500-4799 | 2.9 | 2.7 | 3.0 | 3.4 | 2.5 |
| Wholesale Trade | 5000-5999 | 1.2 | 1.4 | 1.2 | 1.0 | 1.0 |

+ A value of 1.0 would indicate a perfect balance between activities and claims experience. Values above 1 suggest that, given their claims experience, too few activities are carried out in this sector; values below 1 suggest too many activities are carried out in this sector.

# Industry group not reported separately by WCB.

Note that a systemic bias occurs in this data in that, while the Division covers all workplaces, significant industry sectors are not comprehensively covered by the WCB. That said, the values are thought to be "in the right ballpark" and the trends are thought to be informative.

Also note that the data presented in Table Twelve is based on calendar years. Therefore the % of Activities do not correspond with those presented in Table Seven.

**Table 5-15**
**Ratio of % of WCB Time-Loss Claims to % of Orders by Industry Sector (+)**
**(Calendar Years)**

| Industry | SIC Range | 2003 | 2002 | 2001 | 2000 | 1999 |
|---|---|---|---|---|---|---|
| Accommodation, Food, and Beverage | 9000-9599 | 1.0 | 0.7 | 0.7 | 1.8 | 2.4 |
| Agricultural and Related Services | 0000-0299 | 0.2 | 0.4 | 1.1 | 0.8 | 0.9 |
| Business Services | 7700-7999 | # | 1.8 | 1.6 | 2.2 | 2.3 |
| Communications | 4800-4999 | 6.3 | 3.3 | 4.8 | 3.2 | 3.0 |
| Construction | 4000-4499 | 0.3 | 0.3 | 0.5 | 0.4 | 0.3 |
| Education Services | 8500-8599 | # | # | # | # | # |
| Finance and Insurance | 7000-7499 | # | # | # | # | # |
| Fishing and Trapping | 0300-0399 | 4.1 | 4.7 | 4.8 | 8.3 | 1.5 |
| Government Services | 8000-8499 | 2.3 | 2.2 | 2.3 | 2.8 | 2.2 |
| Health and Social Services | 8600-8999 | 6.0 | 8.8 | 5.9 | 7.2 | 7.1 |
| Logging and Forestry | 0400-0599 | 1.3 | 1.6 | 0.8 | 1.2 | 1.2 |
| Manufacturing | 1000-3999 | 1.2 | 1.2 | 1.1 | 1.4 | 1.3 |
| Mining, Quarrying, and Oil | 0600-0999 | 0.2 | 0.4 | 0.5 | 0.8 | 1.5 |
| Other Services | 9600-9999 | 0.7 | 0.7 | 0.9 | 0.6 | 0.8 |
| Real Estate / Insurance | 7500-7699 | # | # | # | # | # |
| Retail Trade | 6000-6999 | 0.7 | 0.6 | 0.5 | 0.4 | 0.7 |
| Transportation and Storage Industries | 4500-4799 | 2.9 | 3.8 | 3.9 | 3.9 | 2.8 |
| Wholesale Trade | 5000-5999 | 0.8 | 1.2 | 0.9 | 0.6 | 0.5 |

+ A value of 1.0 would indicate a perfect balance between orders issued and claims experience. Values above 1 suggest that, given their claims experience, too few orders are issued in this sector; values below 1 suggest too many orders are issued to this sector.

# Industry group not reported separately by WCB.

Note a structural bias occurs in this data in that, while the Division covers all workplaces, significant industry sectors are not comprehensively covered by the WCB. That said, the values are thought to be "in the right ballpark" and the trends are thought to be informative.

Also note that the data presented in Table Thirteen is based on calendar years. Therefore the % of Orders do not correspond with those presented in Table Eight.

**Table 5-16**
**Total Costs of the OH&S Division**

| | 2003 / 2004 | 2002 / 2003 | 2001 / 2002 | 2000 / 2001 | 1999 / 2000 |
|---|---|---|---|---|---|
| Total Costs (actual $000) | 5,611 | 5,358 | 5,321 | 4,500 | 4,446 |
| Total Costs (Dec. 2003 $000)* | 5,611 | 5,437 | 5,583 | 4,791 | 4,902 |

*Pre 2003/2004 figures are adjusted for inflation based on the Consumer Price Index for Nova Scotia available from Statistics Canada.

**Figure 5-1**
**Activities, Orders, and WCB Time-Loss Claims by Industry Group**
**Calendar Year 2003**

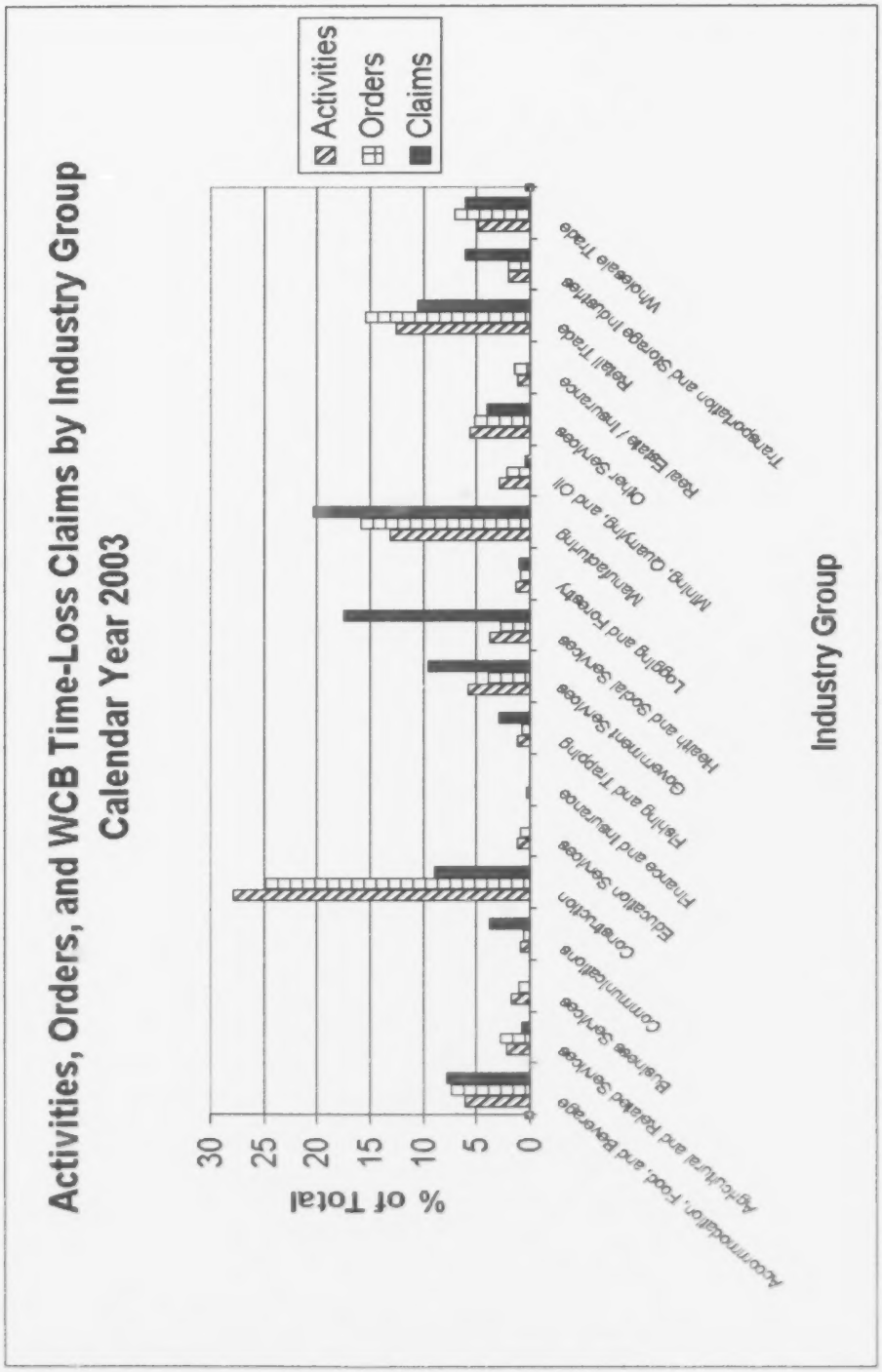

**Figure 5-2**
**Ratio of % of Orders to % of Activities by Industry Group**

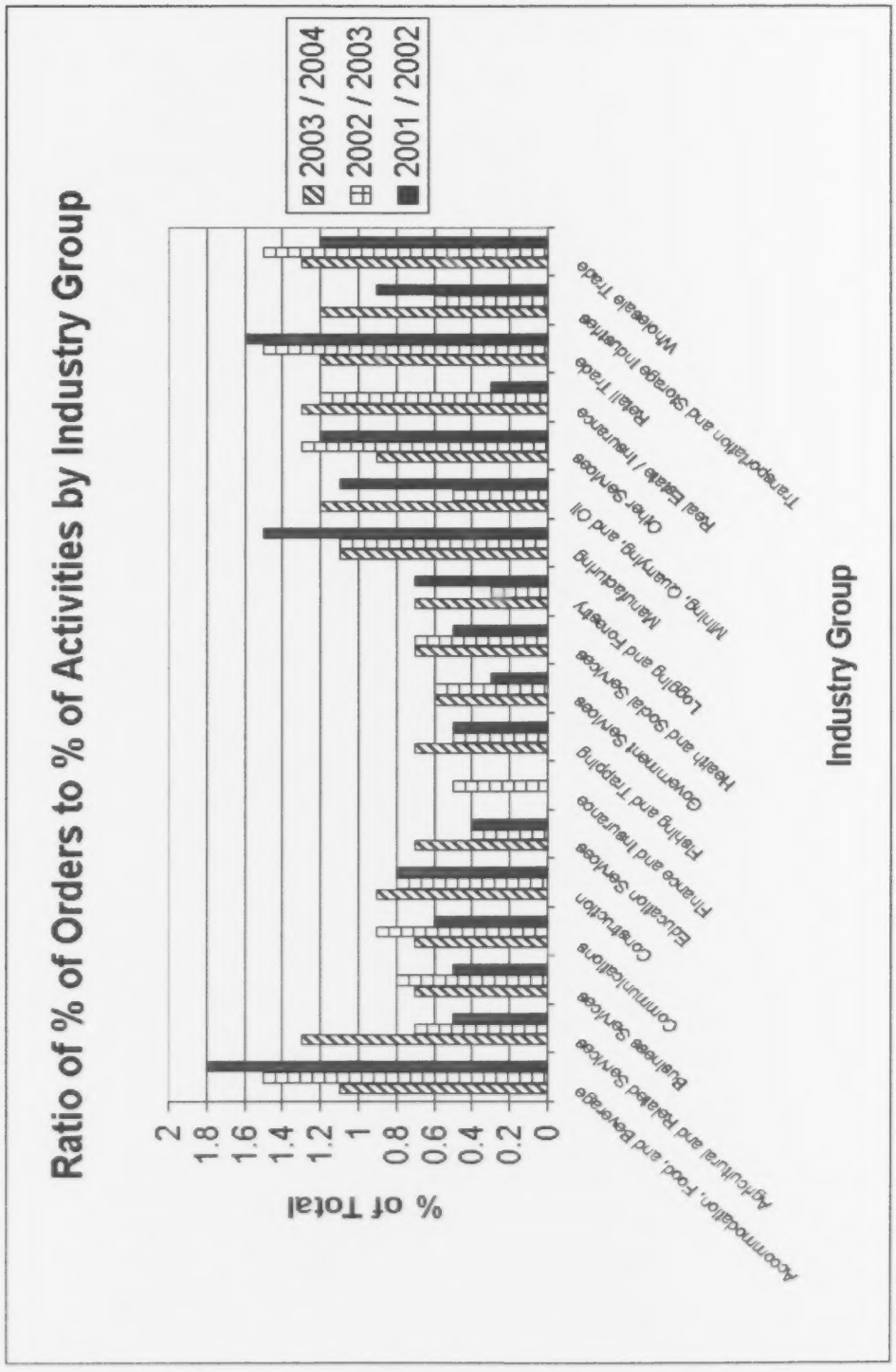

**Figure 5-3**
**Ratio of % of WCB Time-Loss Claims to % of Activities by Industry Group**

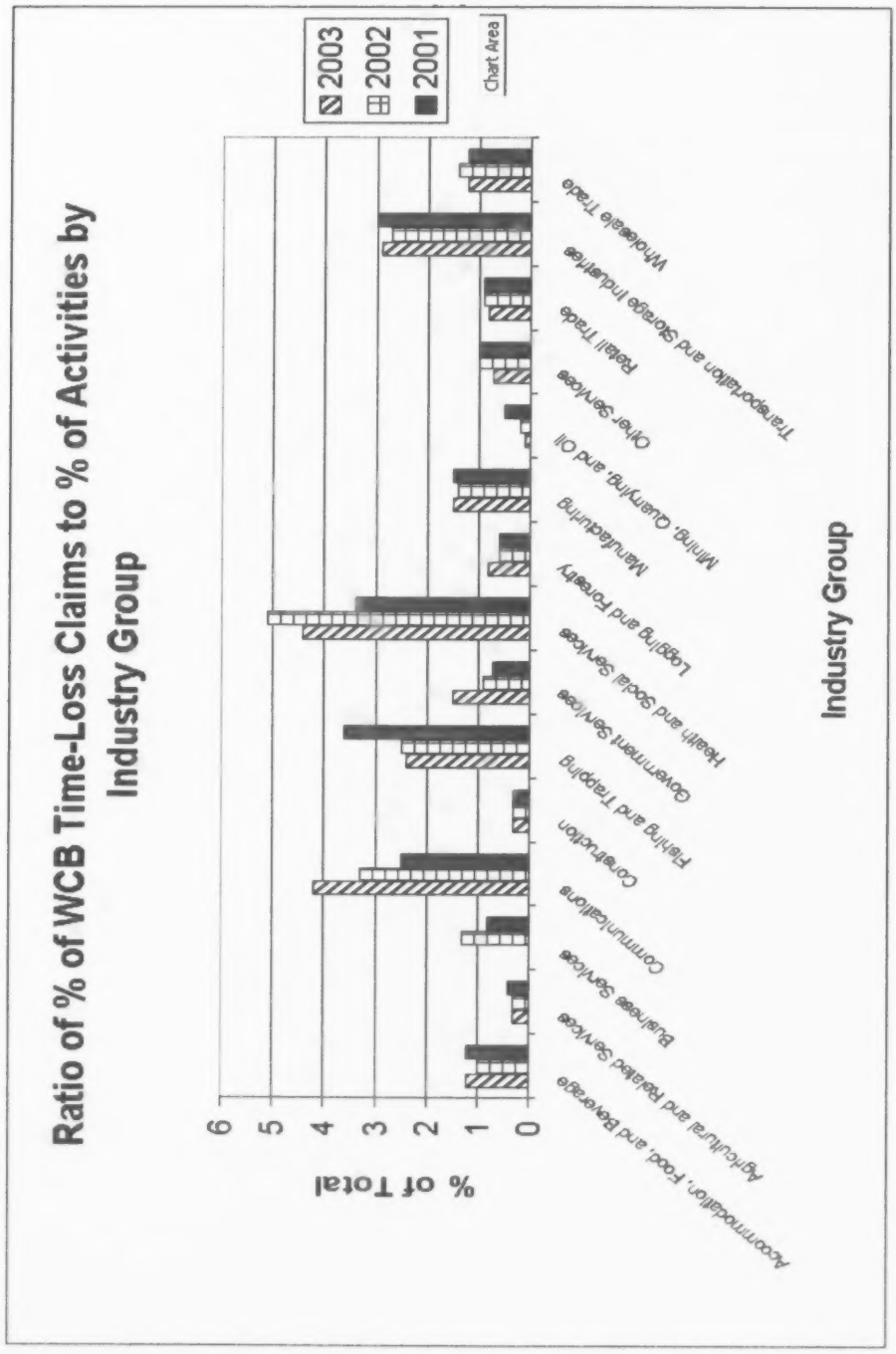

**Figure 5-4**
**Ratio of % of WCB Time-Loss Claims to % of Orders by Industry Group**